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No. 41]

NEW DELHI, SATURDAY, NOVEMBER 1, 1969/KARTIKA 10, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह क्रम संवहन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 4

PART II—Section 4

रक्षा मंत्रालय द्वारा जारी किये गये विधिक नियम और आदेश

Statutory Rules and Orders issued by the
Ministry of Defence

MINISTRY OF DEFENCE

New Delhi, the 16th October 1969

S.R.O. 278.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board, Jullundur by reason of the acceptance by the Central Government of the resignation of Shri Mohinder Singh Magistrate 1st Class.

[File No. 19/7/C/L&C/65/3881-C/1 D(Q&C).]

S.R.O. 279.—In pursuance of sub section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Shri Surinder Singh Giani Magistrate 1st Class has been nominated as a member of the Cantonment Board, Jullundur by the District Magistrate, Jullundur in exercise of the powers conferred under section 13(3)(b) of that Act vice Shri Mohinder Singh Magistrate 1st Class resigned.

[File No. 19/7/C/L&C/65/3881-C/2 D(Q&C).]

S.R.O. 280.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board, Ramgarh by reason of the acceptance by the Central Government of the resignation of Major N. B. Karaley.

[File No. 19/34/C/L&C/65/3884-C/1 D(Q&C).]

S.R.O. 281.—In pursuance of sub section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Captain B. S. Mehta has been nominated as a member of the Cantonment Board, Ramgarh vice Major N. B. Karaley who has resigned.

[File No. 19/34/C/L&C/65/3884-C/2 D(Q&C).]

S.R.O. 282.—In pursuance of sub section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board, Amritsar by reason of the acceptance by the Central Government of the resignation of Shri Prem Sagar Sharma Magistrate 1st Class.

[File No. 19/55/C/L&C/67/3879-C/1 D(Q&C).]

S.R.O. 283.—In pursuance of sub section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Shri Govind Saroop Aggarwal Magistrate 1st Class has been nominated as a member of the Cantonment Board, Amritsar by the District Magistrate, Amritsar in exercise of the powers conferred under section 13(4) (b) of that Act vice Shri Prem Sagar Sharma Magistrate 1st Class resigned.

[File No. 19/55/C/L&C/67/3879-C/2 D(Q&C).]

S.R.O. 284.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board, Jammu by reason of the acceptance by the Central Government of the resignation of Captain V. M. Gautam.

[File No. 19/5/C/L&C/61/3868-C/1 D(Q&C).]

S.R.O. 285.—In pursuance of sub section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Captain S. S. Chawala has been nominated as member of the Cantonment Board, Jammu vice Captain V. M. Gautam who has resigned.

[File No. 19/5/C/L&C/61/3868-C/2 D(Q&C).]

S.R.O. 286.—In pursuance of sub section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board, Poona by reason of the acceptance by the Central Government of the resignation of Shri G. V. Deshpande Magistrate 1st Class.

[File No. 19/11/C/L&C/65/3877-C/1 D(Q&C).]

S.R.O. 287.—In pursuance of sub section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Shri S. G. Bhosale Magistrate 1st Class has been nominated as a member of the Cantonment Board, Poona by the District Magistrate, Poona in exercise of the powers conferred under section 13(3) (b) of that Act vice Shri G. V. Deshpande Magistrate 1st Class resigned.

[File No. 19/11/C/L&C/65/3877-C/2 D(Q&C).]

S.R.O. 288.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board, Deolali by reason of the acceptance by the Central Government of the resignation of Shri P. D. Lele Magistrate 1st Class.

[File No. 19/12/C/L&C/65/3882-C/1 D(Q&C).]

S.R.O. 289.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Shri S. V. Naik Magistrate 1st Class has been nominated as a member of the Cantonment Board, Deolali by the District Magistrate, Nasik in exercise of the powers conferred under section 13(3) (b) of that Act vice Shri P. D. Lele Magistrate 1st Class resigned.

[File No. 19/12/C/L&C/65/3882-C/2 D(Q&C).]

S.R.O. 290.—In pursuance of sub section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board Ferozepore by reason of the acceptance by the Central Government of the resignation of Lt. Co. D. S. Jind.

[File No. 19/9/C/L&C/65/6880-C/1 D(Q&C).]

S.R.O. 291.—In pursuance of sub section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Lt. Col. P. S. Dhillon has been nominated as a member of the cantonment Board, Ferozepore vice Lt. Col. D. S. Jind who has resigned.

[File No. 19/9/C/L&C/65/6880-C/2 D(Q&C).]

S.R.O. 292.—In pursuance of sub section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board Wellington owing to the death of Capt. P. K. Menon.

[File No. 19/28/C/L&C/3883-C/1 D(Q&C).]

S.R.O. 293.—In pursuance of sub section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Capt. N. N. Sehgal has been nominated as a member of the Cantonment Board, Wellington vice Capt. P. K. Menon, deceased.

[File No. 19/28/C/L&C/3883-C/2 D(Q&C).]

S.R.O. 294.—In pursuance of sub section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board Ahmednagar by reason of the acceptance by the Central Government of the resignation of Captain N. L. Mishra.

[File No. 19/14/C/L&C/65/3876-C/1 D(Q&C).]

S.R.O. 295.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Captain S. K. Bhatta has been nominated as a member of the Cantonment Board, Ahmednagar vice Captain N. L. Mishra who has resigned.

[File No. 19/14/C/L&C/65/3876-C/2 D(Q&C).]

S.R.O. 296.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board, Ahmednagar by reason of the acceptance by the Central Government of the resignation of Shri R. G. Patil Magistrate 1st Class.

[File No. 19/14/C/L&C/65/3876-C/3/D(Q&C).]

S.R.O. 297.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Shri R. N. Chinmugund Magistrate 1st Class has been nominated as a member of the Cantonment Board, Ahmednagar by the District Magistrate, Ahmednagar in exercise of the powers conferred under section 13(3)(b) of that Act vice Shri R. G. Patil Magistrate 1st Class resigned.

[File No. 19/14/C/L&C/65/3876-C/4/D(Q&C).]

S.R.O. 298.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board, Belgaum by reason of the acceptance by the Central Government of the resignation of Shri K. Vittal Sheregar Magistrate 1st Class.

[File No. 19/31/C/L&C/65/3875-C/1/D(Q&C).]

S.R.O. 299.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Shri H. Umesh Shetty Magistrate 1st Class has been nominated as a member of the Cantonment Board, Belgaum by the District Magistrate, Belgaum in exercise of the powers conferred under section 13(4) (b) of that Act vice Shri K. Vittal Sheregar Magistrate 1st Class resigned.

[File No. 19/31/C/L&C/65/3875-C/2/D(Q&C).]

S.R.O. 300.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board Jabalpur by reason of the acceptance by the Central Government of the resignation of Lt. Col. Didar Singh.

[File No. 19/2/C/L&C/65/3886-C/1/D(Q&C).]

S.R.O. 301.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Major A. B. Chatterjee has been nominated as a member of the Cantonment Board, Jabalpur vice Lt. Col. Didar Singh who has resigned.

[File No. 19/2/C/L&C/65/3886-C/2/D(Q&C).]

S.R.O. 302.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board Clement Town by reason of the acceptance by the Central Government of the resignation of Major B. Sharma

[File No. 19/59/C/L&C/69/3885-C/1/D(Q&C).]

S.R.O. 303.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Lt. Col. S. C. Goll has been nominated as a member of the Cantonment Board, Clement Town vice Major B. Sharma who has resigned.

[File No. 19/59/C/L&C/69/3885-C/2/D(Q&C).]

S.R.O. 304.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that a vacancy has occurred in the membership of the Cantonment Board, Kanpur by reason of the acceptance by the Central Government of the resignation of Shri Yogendra Narain Magistrate 1st Class.

[File No. 19/24/C/L&C/65/3867-C/1/D(Q&C).]

S.R.O. 305.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby notifies that Shri R. S. Agarwal Magistrate 1st Class has been nominated as a member of the Cantonment Board, Kanpur by the District Magistrate, Kanpur in exercise of the powers conferred under section 13(3)(b) of that Act vice Shri Yogendra Narain Magistrate 1st Class resigned.

[File No. 19/24/C/L&C/65/3867-C/2/D(Q&C).]

S. P. MADAN, Under Secy.

New Delhi the 16th October, 1969

S.R.O. 306.—The following draft of certain rules further to amend the Cantonment Fund Servants Rules, 1937, which the Central Government proposes to make, in exercise of the powers conferred by sub-section (1) read with clause (c) of sub-section (2) of section 280 of the Cantonments Act, 1924 (2 of 1924) is published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the thirtieth day from the date of publication of this notification.

Any objections or suggestions which may be received from any person with respect to the said draft before the said thirtieth day will be considered by the Central Government.

Draft Rules

1. These rules may be called the Cantonment Fund Servants (Amendment) Rules, 1969.

2. In the Cantonment Fund Servants Rules, 1937 (hereinafter referred to as the said rules) in rule 3, for the words, brackets and figures "Central Civil Services (Conduct) Rules, 1955", the words, brackets and figures "Central Civil Services (Conduct) Rules, 1964" shall be substituted.

3. After rule 4 of the said rules the following rules shall be inserted, namely:—

"4A (1) All first appointments to service under a Board shall be made through the Employment Exchange or in such manner as the Central Government may direct;

(2) No person aged below eighteen years and more than twenty-five years shall be appointed to any post under a Board. Provided, however, that the Officer Commanding-in-Chief, the Command, may relax the upper age limit in such manner as the Central Government may direct;

(3) No person who has not been declared medically fit by the authorised medical attendant and who does not possess the minimum qualifications and experience, as may be specified for each post by the Officer Commanding-in-Chief, the Command, shall be appointed to service under the Board; Provided that the minimum qualifications specified as aforesaid shall not operate to the disadvantage of an existing servant for continuance in the post to which he has been appointed or for appointment on promotion;

(4) Appointments to all posts under a Board shall be either by direct recruitment or by promotion or as provided under rule 4B.

(5) The Central Government or such other authority as may be authorised by it in this behalf shall classify all posts under a Board into direct recruitment posts or promotion posts and specify the post or posts from which appointment shall be made to each such promotion post.

(6) The Officer Commanding-in-Chief, the Command, shall classify and notify all promotion posts, into selection and non-selection posts, the classification being made in such manner as the Central Government may direct.

(7) The Executive Officer shall maintain annual confidential reports of all servants except lower grade servants in such form and in such manner as may be specified by the Central Government.

(8) Appointments to promotion posts shall be made by each Board on the basis of seniority lists maintained for this purpose by that Board, subject to rejection of the unfit; Provided that promotion to selection posts shall be made on the basis of seniority-cum-merit.

4B (1) The service of a servant shall be transferable from one posts in one Board to another post in another Board:

Provided that:—

(a) the transferer and transferee Boards are situated within the same State; and

(b) the posts in both the Boards are similar and carry the same scale of pay.

(2) Subject to such general directions as the Central Government may issue from time to time, the Officer Commanding-in-Chief, the Command, or such other authority as may be authorised by the Central Government in this behalf, shall be the competent authority to transfer the service of a servant under this rule.

- (3) A servant on transfer under sub-rule (1) from one Board to another may, for purposes of promotion, seniority and pay scale, opt—
 - (i) to be governed by the rules applicable in this behalf to servants of the Board from which he has been transferred (hereinafter referred to as the transferer Board), or
 - (ii) to be governed by the rules applicable in this behalf to servants of the Board to which he has been transferred (hereinafter referred to as the transferee Board):

Provided that where a servant does not opt under this rule within thirty days from the date of assumption of charge in the transferee Board, he shall, for purposes of promotion, seniority and pay scale, be deemed to be governed by the rules applicable in this behalf to servants of the transferer Board.

- (4) Save as provided in sub-rule (3), the terms and conditions of service of a transferred servant shall be deemed to be those of the servants of the transferee Board.
- (5) Where the servant opts under clause (ii) of sub-rule (3) the service under the transferer Board shall be deemed to be the service under the transferee Board.
- (6) Leave salary due to a servant transferred under this rule and the contribution to Provident Fund to be credited in favour of such servant under clause (a) of sub-rule (2) of rule 39 shall be borne proportionately by the Boards concerned".

4. In rule 6 of the said rules,—

(a) in sub-rule (1), the brackets and words "(other than menial service)" shall be omitted;

(b) to sub-rule (1), the following proviso shall be added, namely:—

"Provided that this sub-rule shall not apply to a servant who has come to such Board on transfer from another Board under which he was first appointed."

5. In rule 8 of the said rules, for sub-rule (3), the following sub-rule shall be substituted namely:—

(3)(a) A servant who has not attained the age of 58 years and who is discharged in pursuance of clause (b) of sub-rule (1), shall be paid a compensatory gratuity calculated at the rate of fifteen days' average pay for each completed year of qualifying service, or a part thereof in excess of six months subject to the condition that the amount of such gratuity payable shall not exceed the total amount of pay which the servant would have drawn during the period subsequent to the date of his discharge, had he remained in service until he attained the age of fifty-eight years. (b) A servant, who has not attained the age of fifty-eight years and who is discharged in pursuance of clause (c) of sub-rule (1) shall be paid a compensatory gratuity calculated at the rate of fifteen days' average pay for each completed year of qualifying service or a part thereof in excess of six months, provided that no gratuity shall be paid if the servant has been offered and has refused an alternative appointment of approximately equal pay under the Board, which, in the opinion of the Board was of a suitable nature.

Explanation: For the purposes of this sub-rule:—

- (i) "qualifying service" means continuous service under the Board or Boards and where there has been break in service, the last period of continuous service, unless the break in service is condoned with the previous sanction of the Officer Commanding-in-Chief, the Command;

Provided that the Board may, in its discretion, include in the computation of qualifying service the amount of any leave earned but not availed of by the servant concerned;

- (ii) "average pay" means the "average pay" as defined in the Industrial Disputes Act, 1947 (14 of 1947)."

6. After rule 51 of the said rules, the following rule shall be inserted, namely:—

"52. (1) Subject to the provisions of this rule, servants and members of their family shall be entitled, free of charge, to medical attendance by the authorised medical attendant.

(2) All patients who are entitled to treatment will attend, if fit to do so, the hospital for medical advice and treatment. Medical attendance at the residence shall be given only in cases of serious injury or illness when the patient is unfit in the opinion of the authorised medical attendant to attend or be admitted to the hospital.

(3) (i) If the authorised medical attendant is of the opinion that a case is of such serious or special nature as to require medical attendance by some person other than himself or the medical officers available in the hospital, he may, with the previous approval of the Senior Executive Medical Officer (save in cases involving danger to the life of the patient), send the patient to such specialist or other medical officer in Government service attached to a local Civil Hospital or a recognised Medical Institution, as may be approved by the Senior Executive Medical Officer for indoor treatment or surgical operation and the like, or if the patient is too ill to travel, summon such specialist or other Medical Officer to attend upon the patient either in the Hospital or at the residence of the patient.

(ii) A specialist or other Medical Officer so consulted or summoned shall be entitled to such fees and travelling allowance as has been fixed by the Board in consultation with the Institution from which the specialist was summoned.

(iii) The cost of indoor treatment (excluding diet charges, if any, included in the bill of the concerned hospital or recognised Institution) shall be borne by the Cantonment Board concerned except that in the case of employees whose basic pay is Rs. 180/- per month or less, the diet charges when paid to the said hospital or other Institution will also be borne by the Board. The type of accommodation to be provided in the Civil Hospital or other Institution will depend on the status of the servant and shall require the prior approval of the Senior Executive Medical Officer of the Board.

NOTE 1.—Where flat rates charged by the hospital include diet, accommodation, ordinary nursing and medical services, twenty percent of such charges shall be reckoned as diet charges.

NOTE 2.—The cost (if paid by the patient) of any special diets not ordinarily provided by the hospital, is not refundable.

(4) Charges for services rendered in connection with, but not included in, medical attendance on, or treatment of, a patient under these rules shall be determined by the authorised medical attendant and paid by the patient.

(5) If any question arises as to whether any services included in medical attendance or treatment, such question shall be decided by the Board.

(6) For the purpose of this rule:—

(i) "Authorised Medical Attendant" means a Medical Officer appointed by the Board to attend on the servants of the Board.

(ii) "Family" means wife or husband of the servant as the case may be and parents and children and step children wholly dependent on the servant.

(iii) "hospital" means a hospital maintained or appointed as such by the Board and includes a dispensary.

(iv) "Medical Attendance" means attendance or in case of serious illness which compels the patients to be confined to his residence if situated within or within a reasonable distance of the Cantonment limits, and

- (v) "Medical treatment" means the rendering of all medical, maternity and surgical facilities available in the hospital and includes:—
- (a) the employment of such pathological, bacteriological or other methods as are considered necessary by the authorised Medical attendant.
- (b) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the hospital, but does not include the supply of spectacles or artificial dentures or other appliances or for preparations which are primarily foods, tonics, toilet, preparations or disinfectants.
- (c) such accommodation as is ordinarily provided in the Hospital and is suited to the status of the servant but does not include the provision of diet; except in the case of servants whose basic pay is Rs. 180/- per mensem or less;
- (d) such nursing as is ordinarily provided to in-patients by the hospital; and
- (e) consultations with a specialist—where such consultation is certified to be necessary by the Authorised Medical Attendant".

[No. 25/40/C/L&C/61/3918-C/D(Q&C).]

S.R.O. 307.—The following draft of certain rules further to amend the Cantonment Fund Servants Rules, 1937, which the Central Government propose to make in exercise of the powers conferred by sub-section (1) read with sub-section (2) of section 280 of the Cantonment Act, 1924 (2 of 1924) is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the thirtieth day from the date of publication of this notification.

Any objections or suggestions which may be received from any person with respect to the said draft before the date aforesaid will be considered by the Central Government.

Draft Rules

1. These rules may be called the Cantonment Fund Servants (Amendment) Rules, 1969.

2. In the Cantonment Fund Servants Rules, 1937:

- (a) in rule 34, for the figures and words "6.25 per cent of his salary", wherever they occur, the figures and words "8-1/3 per cent of his pay" shall be substituted;
- (b) in rule 39:
 - (i) in sub-rule (1), for the figures and words "6-1/4 per cent of the salary" the figures and words "8-1/3 per cent of pay" shall be substituted;
 - (ii) in sub-rule (2), after clause (c), the following clause shall be added, namely:—

"In the event of death or retirement of any servant, the Board may credit proportionate bonus, the proportion being the ratio of the approved service rendered by the servant after the grant of the previous bonus to the length of approved service required for the grant of the next bonus."

[File No. 22/55/C/L&C/66/3941-C/D(Q&C).]

K. SUNDARAJAN, Under Secy.

New Delhi, the 21st October 1969

S.R.O. 308.—In exercise of the powers conferred by section 60 of the Cantonments Act, 1924 (2 of 1924), and in supersession of the notification of the Government of India, published in the Ministry of Defence, No. S.R.O. 2, dated the 21st December, 1964, the Cantonment Board, Ajmer, with the previous sanction of the Central Government hereby imposes a tax on all persons carrying on within the limits of the Ajmer Cantonment any one or more of the trades, professions or callings specified in column 2 of the Schedule hereto annexed, at the rate specified in the column 3 thereof:

Provided that—

- (i) any person carrying on more than one trade, profession or calling shall pay the full tax for the one which carries the highest rate and half the tax in respect of the remaining trades, professions or callings, subject to a maximum of Rs. 50/- per annum.
- (ii) any person carrying on his trade, profession or calling in the Cantonment only during the period—
 - (a) 1st April to 30th September shall pay the amount of tax as specified in column 4 of the schedule;
 - (b) 1st October to 31st March shall pay the amount of tax as specified in column 5 of the schedule.

SCHEDULE

Serial No.	Classes of trades, Profession and callings	Amount per annum	Amount of tax if the trade, profession or calling is carried out during the first half year	Amount of tax if the trade, Profession or calling is carried out during the second half year
1	2	3	4	5
		Rs.	Rs.	Rs.
1	Regimental Contractor for a Coffee shop, supper bar and for groceries and fruit	24·00	12·00	16·00
2	Regimental Contractor for tailor shop	24·00	12·00	16·00
3	" " for shoemaker shop	24·00	12·00	16·00
4	" " for Barber's Shop	12·00	6·00	8·00
5	" " for Washerman	12·00	6·00	8·00
6	" " Bakery	12·00	6·00	8·00
7	" " for mineral water factory	12·00	6·00	8·00
8	" " for Cycle (purchase or hire)	12·00	6·00	8·00
9	R.I.A.S.C. Contractor for meat	24·00	12·00	16·00
10	" " for wood	24·00	12·00	16·00
11	" " for Vegetables, Onions and Patatoes	24·00	12·00	16·00
12	R.I.A.S.C. Contractor for vegetables	12·00	6·00	8·00
13	" " for Onions	12·00	6·00	8·00
14	" " for Potatoes	12·00	6·00	8·00
15	" " for quick lime and charcoal	12·00	6·00	8·00
16	" " for dried and fresh fruits	12·00	6·00	8·00
17	" " for poultry, eggs and fish	12·00	6·00	8·00
18	" " for mineral water	12·00	6·00	8·00
19	" " for Ice	12·00	6·00	8·00
20	" " for Jhatka Meat	12·00	6·00	8·00
21	" " for Halal Meat	12·00	6·00	8·00
22	" " for bhoota	12·00	6·00	8·00
23	M.E.S. Bazar Supply Contractor	12·00	6·00	8·00
24	Building, Road, Drain and Water Supply Contractor	24·00	12·00	16·00

1	2	3	4	5
		Rs.	Rs.	Rs.
25	Seller or supplier of bricks, bazzri, stone and sand	12.00	6.00	8.00
26	Contractor of a piggery or a dealer in Piggery produce	12.00	6.00	8.00
27	Maker or vendor of boots and shoes or other foot wear other than country shoes	6.00	3.00	4.00
28	Maker or vendor of country shoes	3.00	1.50	2.00
29	Dealer in boots and shoes	12.00	6.00	8.00
30	General Cloth merchant (except hawker of cloth)	18.00	9.00	12.00
31	Dealer in coarse cloth only or hawker of cloth	9.00	4.50	6.00
32	Medical Practitioner other than a licensed compounder, Dresser or Drug seller	12.00	6.00	8.00
33	Chemist, Druggist and Dentist	6.00	3.00	4.00
34	Legal Practitioner	12.00	6.00	8.00
35	Dealer in furniture	24.00	12.00	16.00
36	Money Lender other than banker (if paying the Income Tax)	36.00	18.00	24.00
37	Money Lender other than a banker (if not paying the Income Tax)	24.00	12.00	16.00
38	Seller of Sugar and Jaggery (Wholesale)	12.00	6.00	8.00
39	Seller of Sugar and Jaggery (Retail)	6.00	3.00	4.00
40	Dealer in perambulators, cycles and tri-cycles or the accessories thereof	12.00	6.00	8.00
41	Manufacturer of mineral water, aerated water or other potable water	6.00	3.00	4.00
42	Tailor	6.00	3.00	4.00
43	Gold and silversmith	6.00	3.00	4.00
44	Blacksmith	3.00	1.50	2.00
45	Maker of bread, biscuits or cakes or seller thereof	6.00	3.00	4.00
46	Tobacconist, seller of cigarettes or betel leaves or biries	3.00	1.50	2.00
47	Proprietor of Biri Factory	12.00	6.00	8.00
48	Meat Retailor or Butcher	6.00	3.00	4.00
49	Maker or seller of sweetmeats	6.00	3.00	4.00
50	Tanner	6.00	3.00	4.00
51	Dyer	3.00	1.50	2.00
52	Manufacturer or seller of sports gear	24.00	12.00	16.00
53	Dealer in pure ghee	3.00	1.50	2.00
54	Dealer in vegetable ghee (Wholesale)	18.00	9.00	12.00
55	Dealer in vegetable ghee (Retail)	6.00	3.00	4.00
56	Seller of Kerosene oil (Retail)	3.00	1.50	2.00
57	Seller of Kerosene oil (Wholesale)	12.00	6.00	8.00
58	Dealer in animals other than pigs for profit	3.00	1.50	2.00
59	Carpenter	3.00	1.50	2.00
60	Keeper of shaving saloon	6.00	3.00	4.00
61	Seller of second hand clothes and other articles (Kabaries)	3.00	1.50	2.00
62	Dealer in harness and saddlery	3.00	1.50	2.00
63	Tattooist	6.00	3.00	4.00
64	Agent for newspapers and periodicals	3.00	1.50	2.00
65	Dealer in hay, straw, firewood charcoal/coal	6.00	3.00	4.00
66	Dealer in fire-works	2.00	1.00	1.33
67	Dealer in timber used for buildings or the manufacture of furniture	6.00	3.00	4.00
68	Seller of poultry or fish	6.00	3.00	4.00
69	Seller of fruit and vegetables	6.00	3.00	4.00
70	Seller of vegetables only	3.00	1.50	2.00
71	Manufacturer or vendor of Ice cream	3.00	1.50	2.00

1	2	3	4	5
		Rs.	Rs.	Rs.
72	Seller of Ice, mineral water, aerated water or other potable water	1.50	0.75	1.00
73	Washerman	6.00	3.00	4.00
74	Dealer in Pakoras, Kabab, or petty dealer in food stuff not contained else where in this schedule	3.00	1.50	2.00
75	Commission Agent (Artiya) or Broker	12.00	6.00	8.00
76	Seller of Milk, Curd or Tea	6.00	3.00	4.00
77	Registered petition writer	3.00	1.50	2.00
78	Copper or brass ware merchant	6.00	3.00	4.00
79	Seller of Oilmans Stores	6.00	3.00	4.00
80	General Merchant	12.00	6.00	8.00
81	Dealer in pigs for profit	12.00	6.00	8.00
82	Theatrical, circus or any other company of public entertainment if showing performance upto 7 days	25.00		
83	Theatrical, circus or other company showing (Circus) performance for more than 7 days	50.00		
84	Proprietor of a flour mill	24.00	12.00	16.00
85	Hardware or Iron Merchant	12.00	6.00	8.00
86	Draftsman	3.00	1.50	2.00
87	Cycle repairer and hlrer	12.00	6.00	8.00
88	Hawker and seller of frames and pictures	3.00	1.50	2.00
89	Dealer in perfumery, hair oils and toilet requisite	3.00	1.50	2.00
90	Mineral Merchant	24.00	12.00	16.00
91	Maker of country soap for washing	6.00	3.00	4.00
92	Dry Cleaner	6.00	3.00	4.00
93	Seller of parched grain—Bharbhuj or grain parcher	3.00	1.50	2.00
94	Exclusive dealer in Bamboos, Bamboo or cane-made articles.	12.00	6.00	8.00
95	Cane of chairs or chinks and mat maker	3.00	1.50	2.00
96	Nanbal or Tandoorwala or keeper of Dhaba	6.00	3.00	4.00
97	Keeper of oil Kohlu	3.00	1.50	2.00
98	Keeper of lime kiln or seller of lime	12.00	6.00	8.00
99	Grazing and Grass Contractor	24.00	12.00	16.00

[File No. 53/13/C/L&C/66/3950-C/D (Q&C)]

S. P. MADAN, Under Secy.

(NAVY BRANCH)

New Delhi, the 17th October 1969

S.R.O. 309/69.—In exercise of the powers conferred by section 184 of the Navy Act, 1957 (62 of 1957), the Central Government hereby makes the following regulations further to amend the Naval Ceremonial, Conditions of Service and Miscellaneous Regulations, 1964, published with the Notification of the Government of India in the Ministry of Defence No. S.R.O. 22E, dated the 19th February, 1964, namely:—

1. These regulations may be called the Naval Ceremonial Conditions of Service and Miscellaneous (Second Amendment) Regulations, 1969.

2. In the Naval Ceremonial, Conditions of Service and Miscellaneous Regulations, 1964 (hereinafter referred to as the said regulations), in regulation 268, in sub-regulation (3) after clause (a), the following clause shall be inserted, namely:—

“(aa) Re-enrolment of sailors who have been advanced to the rate of Master Chief Petty Officers Class I and Class II shall be permissible

upto 30 years of service in spells not exceeding five years at a time with the previous approval of the Chief of the Naval Staff. The total period of engagement shall not normally exceed 30 years. The Chief of the Naval Staff may at his discretion, grant extensions of engagement beyond 30 years upto a maximum of five years at a time until the prescribed age of compulsory retirement."

3. In regulation 287 of the said regulations, after the entry "Petty Officer, Chief Petty Officer and Equivalent Rates 50 years" the entry "Master Chief Petty Officers Class I and Class II—55 years" shall be inserted.

[NHQ Case No. AD/5309/68.]

V. SUBRAHMANYAN, Jt. Secy

नौसेना विभाग

नई दिल्ली, 17 अक्टूबर 1969

का० नि० आ० 309.—नौसेना अधिनियम, 1957 (1957 का 62) की धारा 184 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के रक्षा मंत्रालय की अधिसूचना सं० का० नि० आ० 22 ई तारीख 19 फरवरी, 1964 में प्रकाशित नौसैनिक समारोह, सेवा की शर्तें और विविध विनियम, 1964 में अतिरिक्त करने के लिए एतद्वारा निम्नलिखित विनियम बनाती है, अर्थात् :—

1. इन विनियमों को नौसैनिक समारोह, सेवा की शर्तें और विविध (द्वितीय संशोधन) विनियम, 1969 कहा जा सकेगा।

2. नौसैनिक समारोह, सेवा की शर्तें और विविध विनियम, 1964 (जिसे इसमें इसके पश्चात् उक्त विनियम कहा गया है) में, विनियम 268 के उप विनियम (3) में खंड (क) के पश्चात् निम्नलिखित खंड अन्तःस्थापित किया जाएगा, अर्थात् :—

“(कक) उन नौसैनिकों का, जिनका दर्जा बढ़ाकर मास्टर चीफ पेटी आफिसर वर्ग I और वर्ग II कर दिया गया है, पुनः अभ्यावेशन, 30 वर्ष की सेवा तक, पर एक बार में पांच वर्ष की अवधि से अधिक नहीं, नौसेनाध्यक्ष के पूर्व अनुमोदन से अनुजेय होगा। सामान्यतः नियोजन की कुल कालावधि 30 वर्ष से अधिक नहीं होगी। नौसेनाध्यक्ष अपने विवेक से, 30 वर्षों के बाद, अनिवार्य सेवा-निवृत्ति की विहित आयु तक, नियोजन की अवधि का बढ़ाया जाना, एक बार में अधिक से अधिक पांच वर्ष तक मंजूर कर सकेगा।

3. उक्त विनियमों के विनियम 287 में . . . पेटी आफिसर, चीफ पेटी आफिसर और इक्वीवैलेन्ट रेट—50 वर्ष . . . प्रविष्टि के पश्चात् . . . मास्टर चीफ पेटी आफिसर वर्ग I और वर्ग II—55 वर्ष . . . प्रविष्टि अन्तःस्थापित की जायेगी।

[नौसेना मुख्यालय मामला सं० ए० डी०/5309/69]

वी० सुब्राह्मण्यन्,
संयुक्त सचिव।

New Delhi, the 24th September 1969

S.R.O. 310.—In exercise of the powers conferred by section 189 of the Air Force Act, 1950 (45 of 1950) and in supersession of the Indian Air Force Act Rules published with the notification of the Government of India No. 248, dated the 29th April, 1933, and the Air Force Rules, 1950, published with the notification of the Government of India in the Ministry of Defence No. S.R.O. 126, dated 22nd July, 1950, the Central Government hereby makes the following rules, namely:—

1. **Short title.**—(1) These rules may be called the Air Force Rules, 1969.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.
2. **Definitions.**—In these rules, unless the context otherwise requires,—
 - (a) "Act" means the Air Force Act, 1950;
 - (b) "Form" means a Form set forth in the Schedule;
 - (c) "minor punishment" means punishment inflicted without the intervention of the court martial under section 82 or section 86;
 - (d) "proper air force authority" when used in relation to any power, duty, act or matter means such air force authority as, in pursuance of the Act or these rules or the regulations for the air force or the usages of the service, exercises or performs that power or duty or is concerned with the act or matter;
 - (e) "Schedule" means a Schedule appended to these rules;
 - (f) "section" means a section of the Act.
3. **Reports and applications.**—Any report or application directed by these rules to be made to a superior authority, or proper air force authority, shall be made in writing through the proper channel, unless the authority on account of exigencies of the service or otherwise, dispenses with the writing.
4. **Forms set forth in schedule.**—(1) The Forms with such variations as the circumstances of each case require, may be used for the respective purposes therein mentioned, and if used shall be sufficient, but a deviation from such forms shall not, by reason only of such deviation, render any charge, warrant, order, proceedings or other document invalid.
 - (2) An omission of any such Form shall not, by reason only of such omission, render any act or thing invalid.
 - (3) The notes to, and instructions in, the Forms shall be considered as instructions which it is expedient to follow in all cases to which such notes and instructions apply, but shall not have the force of the rules.
5. **Exercise of power vested in holder of air force appointment.**—Any power or jurisdiction conferred on, and any act or thing to be done by, or before any person holding any air force appointment may be exercised by, or done by, or before any other person for the time being authorised in that behalf according to the usages of the service.
6. **Cases unprovided for.**—In any case not provided for by these rules such course shall be adopted as appears best calculated to do justice.

CHAPTER II—Enrolment and Attestation

7. Enrolling officers and form of enrolment.—

- (1) The following officers shall be enrolling officers for the purposes of sections 13 and 14, namely:—
 - (a) all recruiting officers;
 - (b) all assistant recruiting officers;
 - (c) the Officer Commanding a unit of the Air Force.

(2) The Form of enrolment set forth in the First Schedule is prescribed for the purposes of sections 13 and 14.

8. Persons to be attested.—All combatants shall, when reported fit for the duties of their trade, be attested as provided in section 16.

9. Oath or affirmation to be taken on attestation.—

(1) The oath or affirmation to be taken on attestation shall be in the following forms or in such other forms to the same purport as the attesting officer ascertains to be in accordance with the religion of the person to be attested, or otherwise binding on his conscience.

Form of Oath

I.....do swear in the name of God that I will bear true faith and allegiance to the Constitution of India as by law established and that I will, as in duty bound honestly and faithfully serve in the Air Force of the Union of India, and go wherever ordered by air, land or sea, and that I will observe and obey all commands of the President of the Union of India and the commands of any officer set over me even to the peril of my life.

Form of Affirmation

I.....do solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will, as in duty bound, honestly and faithfully serve in the Air Force of the Union of India and go wherever ordered by air, land or sea, and that I will observe and obey all commands of the President of the Union of India and the commands of any officer set over me even to the peril of my life.

(2) The oath or affirmation prescribed in this rule shall, whenever practicable, be administered by the commanding officer of the person to be attested or in the presence of such commanding officer by a person empowered by him to administer it in the manner described in section 17. If it is not so administered, it may be administered by a magistrate, a recruiting officer or an assistant recruiting officer.

CHAPTER III—Dismissals, Discharges, etc.

10. Discharge not to be delayed.—Every person enrolled under the Act shall when entitled under the conditions of his enrolment to be discharged, be so discharged with all convenient speed.

11. Discharge certificate.—A certificate furnished in accordance with the provisions of section 23 hereinafter called a "discharge certificate", may be so furnished either by personal delivery thereof by or on behalf of the commanding officer to the person dismissed, removed, discharged, retired or released or by its transmission by registered post to such person.

12. Date from which retirement, discharge, release, removal or dismissal otherwise than by sentence of a court-martial takes effect.—(1) The dismissal of a person subject to the Act, whose dismissal otherwise than by sentence of court-martial is duly authorised, or the retirement, discharge, release or removal of a person so subject, whose retirement, discharge, release or removal, as the case may be, is duly authorised, shall be carried out by the commanding officer of such person with all convenient speed. The competent authority may, when authorising the dismissal, retirement, discharge, release or removal, specify any future date from which it shall take effect.

Provided that if no such date is specified, it shall take effect from the date on which it was duly authorised, or from the date on which the dismissed, retired discharged, released or removed person ceased to do air force duty, whichever is later.

(2) The retirement, removal, release discharge or dismissal of a person subject to the Act shall not be retrospective.

13. Release.—A person subject to the Act may be released from the air force in accordance with these rules, or in accordance with any orders or instructions made in that behalf by or under the authority of the Central Government.

14. Retirement.—Subject to the other provisions of these rules, a person subject to the Act may be retired in accordance with the terms and conditions of his service by or under the authority of the Central Government.

15. Authorities empowered to authorise discharge.—(1) Each of the authorities specified in column 3 of the Table below shall be the authority competent in respect of persons subject to the Act specified in column 1 thereof for the causes specified in column 2 and in the manner specified in column 4, to discharge such persons from the service. (2) Any power conferred by this rule on any of the aforesaid authorities may also be exercised by any other authority superior to it.

TABLE

Class	Cause of discharge	Competent authority to authorise discharge	Special Instructions
1	2	3	4
Persons enrolled under the Act who have been attested.	(a) At his own request on transfer to the pension establishment.	Commanding Officer.	To be carried out in accordance with the conditions of enrolment.
	(b) On fulfilling the conditions of his enrolment.	Commanding Officer.	Do.
	(c) Having been found medically unfit for further service.	Commanding Officer.	To be carried out only on the recommendations of an Invaliding Board.
	(d) On transfer to the pension establishment or on discharge with gratuity other wise than at his own request or under item (c).	Officer Commanding, Air Force Record Office.	..
	(e) Having been found inefficient in his rank or trade and being unwilling to accept reduction or remustering.	Air Officer i/c Administration.	An airman reported as inefficient will, as far as vacancies allow be permitted to remuster and/or accept reduction in any rank and trade for which he is reported as suitable. If no such vacancy exists or if he declines to accept such remustering or reduction he will be discharged under this item.
	(f) At his own request before fulfilling the conditions of enrolment.	Director of Personnel (Airmen)	
	(g) His services no longer required:—		
	(i) Due to reduction in establishment or to reorganisation.	Director of Personnel (Airmen)	

1	2	3	4
	(ii) Unsuitable for retention in the Air Force	Air Officer i/c Administration.	..
	(h) All other classes of discharge.	Do.	..
Persons enrolled under the Act who have not been attested.	(i) At his own request before fulfilling the conditions of his enrolment.	(i) Air or other Officer i/c of Command.	The competent authority mentioned in the preceding column will exercise this power only when he is satisfied as to the <i>bonafides</i> of the application and that the total strength of the Air Force will not thereby be unduly reduced.
		(ii) Director or Personnel (Airmen) in case of units directly under Air Headquarters.	
	(j) Unlikely to make an efficient airmen.	Commanding Officer.	Applicable to airmen under going training for airmen.
	(k) All other classes of discharge.	Commanding Officer.	

16. **Dismissal or removal of officers for misconduct.**—(1) An officer may be dismissed or removed from service for misconduct by the Central Government, but before doing so and subject to the provisions of sub-rule (2) he shall be given an opportunity to show cause against such action.

(2) Where the dismissal or removal of an officer is proposed on ground of misconduct which has led to his conviction by a criminal court, or where the Central Government is satisfied that for reasons to be recorded in writing, it is not expedient or reasonably practicable to do so, it shall not be necessary to give an opportunity to the officer of showing cause against his dismissal or removal.

(3) Where an officer has been convicted by a criminal court and the Central Government, after examining the judgment of the criminal court in his case and considering the recommendation about him of the Chief of the Air Staff, is of opinion that further retention of such officer in the service is undesirable, that Government may dismiss or remove such officer from the service.

(4) In any case not falling under sub-rule (3), when the Chief of the Air Staff, after considering the reports on an officer's misconduct, is of opinion that the trial of the officer by a court-martial is inexpedient or impracticable but the further retention of the officer in the service is undesirable, he shall so inform the officer, and subject to the provisions of sub-rule (5) furnish to the officer all reports adverse to him calling upon him to submit in writing within a reasonable period to be specified, his explanation in defence and any reasons which he may wish to put forward against his dismissal or removal.

(5) The Chief of the Air Staff may withhold from disclosure any report adverse to an officer or any portion thereof, if in his opinion its disclosure is not in the interests of the security of the State.

(6) If no explanation is received from the officer within the specified period or if the explanation received is considered to be not satisfactory or, when so directed by the Central Government, the reports against the officer as well as his explanation if any, shall be submitted to the Central Government by the Chief of the Air

Staff together with his recommendation as to the dismissal or removal of the officer from the service.

(7) The Central Government may, after considering the reports against the officer and his defence, if any, and the recommendations of the Chief of the Air Staff, dismiss or remove the officer from service.

(8) In this rule and in rule 17 the Chief of the Air Staff while submitting a case to the Central Government may recommend that instead of removing an officer from service, he may be compulsorily retired or that he should be called upon to resign his commission, and the Central Government in passing orders may instead of removing an officer from service, compulsorily retire him or give the officer an option to submit his resignation, and if he refuses to do so, remove him from the service.

17. Removal from service of officers on grounds other than misconduct.—(1) When the Chief of the Air Staff is satisfied that an officer is unfit to be retained in service due to inefficiency, physical disability or other ground other than misconduct, the officer—

- (a) shall be so informed;
- (b) shall be furnished with the particulars of all matters adverse to him; and
- (c) shall be called upon to submit in writing, within a reasonable period, any reasons he may wish to urge for not being removed from the service:

Provided that all or any of clauses (a), (b) and (c) shall not apply if the Central Government is satisfied that for reasons, to be recorded by it in writing, it is not expedient or reasonably practicable to comply with the provisions thereof:

Provided further that the Chief of the Air Staff may withhold from disclosure the particulars of any matter adverse to the officer, or any portion thereof, if in his opinion, its disclosure is not in the interests of the security of the State.

(2) If no reply is received from the officer within the specified period, or the reasons submitted by him are considered not satisfactory by the Chief of the Air Staff, the matter shall be submitted to the Central Government for orders, together with the explanation of the officer, if any, and the recommendation of the Chief of the Air Staff for the removal of the officer from the service.

(3) The Central Government may, after considering the explanation, if any, of the officer and the recommendations of the Chief of the Air Staff, and after satisfying itself that the failure, where applicable, to disclose matters adverse to the officer was in the interests of the security of the State, may remove or compulsorily retire the officer from the service.

18. Dismissal or removal of a person subject to the Act other than an officer.—

(1) Save in a case where a person subject to the Act other than an officer is dismissed or removed from the service on the ground of conduct which had led to his conviction by a criminal court or a court-martial, no such person shall be dismissed or removed under sub-section (1) or sub-section (3) of section 20 unless he has been informed of the particulars of the cause of action against him and allowed reasonable time to state in writing any reasons he may have to urge against his dismissal or removal from the service.

(2) Notwithstanding anything contained in sub-rule (1), if in the opinion of the officer competent to order the dismissal or removal of such person, it is not expedient or reasonably practicable to comply with the provisions of sub-rule (1), he may, after certifying to that effect, order the dismissal or removal.

(3) All cases of dismissal or removal without complying with the procedure prescribed in sub-rule (1) shall, without delay, be reported to the Central Government.

CHAPTER IV.—*Restrictions on Fundamental Rights and Provisions Relating to Arrests, Etc.*

19. Membership of Organisations.—No person subject to the Act shall, without the express sanction of the Central Government,—

- (a) be a member of, or be associated in any way with, any society, institution, association or organisation that is not recognised as part of the

Armed Forces of the Union or is not of a purely social, recreational or religious nature.

Explanation.—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature, the decision of the Central Government thereon shall be final;

- (b) be a member of or be associate in any way with any trade union or labour union, or any class of trade or labour unions.

20. Political and other activities.—(1) No person subject to the Act shall attend, address, or take active part in, any meeting or demonstration held for party or political purposes, or belong to or join, or subscribe in aid of, any political association or movement.

(2) No person subject to the Act shall issue an address to electors or in any other manner publicly announce himself or allow himself to be publicly announced as a candidate or as a prospective candidate for election to Parliament, Legislature of a State, local authority, or other public body, or act as a member of a candidate's election committee, or in any way actively prosecute a candidate's interest.

21. Communications to the Press, Lectures etc.—No person subject to the shall—

- (a) publish in any form whatever or communicate directly or indirectly to the press any matter on a service subject or containing any service information, or publish or cause to be published any book or letter or article or other document on such matter or containing such information, without the previous sanction of the Chief of the Air Staff or any other officer specified by him in this behalf; or
- (b) deliver a lecture or wireless address on a service subject or containing any information or views on any service subject without the previous sanction of the Chief of the Air Staff or any other officer specified by him in this behalf.

Explanation.—For the purpose of this rule, service information and service subject mean information or subject, as the case may be, concerning the forces, the defence or the external relation of the Union.

22. Manner and extent of custody pending trial or confirmation of court-martial proceedings.—(1) Any person subject to the Act who has been ordered into air force custody by a competent authority may be taken into such custody in accordance with the usages of the service;

Provided that while being held for trial or after trial pending confirmation of the proceedings, the arrest or confinement imposed upon him shall not be more rigorous than the circumstances require to ensure his physical fitness and security.

(2) Detention in air force custody beyond a total period of sixty days whether continuously or in broken periods, of a person subject to the Act, who is not on active service and for whose trial a court-martial has not assembled, shall require the sanction of the Chief of the Air Staff or any other officer duly authorised, with the approval of the Central Government, by the Chief of the Air Staff in that behalf.

(3) The Chief of the Air Staff or such other officer may sanction further detention of such person as is described in sub-rule (2) for a specific period, which he may extend from time to time, provided that the total period of detention under sub-rule (2) and this sub-rule, whether continuous or broken, shall not exceed ninety days.

(4) No such person as is described in sub-rule (2) shall be detained in air force custody beyond a period of ninety days, whether continuously or in broken periods, except with the approval of the Central Government.

(5) As soon as the proceedings of a court-martial have been received by an officer having powers to confirm them, that officer shall, as soon as may be, order the release (without prejudice to re-arrest) of the accused if the finding of the court-martial is "not guilty" on the charge, or where there are more charges than one, on all the charges, on which he was tried.

(6) Where the sentence awarded by a court-martial is lower in the scale of punishments set out in section 73, than dismissal, the officer referred to in sub-rule (5) shall either order the release of the accused person without prejudice to re-arrest or at his discretion, order that the accused person shall be kept under open arrest.

(7) No person shall be detained in air force custody pending confirmation of the proceedings of a court-martial, for a period in excess of the term of imprisonment or detention to which the court-martial has sentenced him.

23. Delay report.—(1) In every case where a person subject to the Act, who is not on active service, is in air force custody for a period longer than eight days, whether continuously or in broken periods, without a court-martial for his trial having been assembled, or without a punishment having been awarded to him under section 82 or section 86, the Commanding officer shall make a report in the delay report Form contained in the second schedule, to the officer empowered to convene a general or district court-martial for the trial of such person. Such report shall be made at interval of every eight days until a court-martial is assembled or the case is disposed under section 82, or section 86 or such person is released from custody, as the case may be.

(2) A copy of each of the third and subsequent reports submitted under sub-rule (1) will be forwarded directly to the Command Judge Advocate of the Command concerned, or in the case of persons belonging or attached to the Air Headquarters or a unit directly under Air Headquarters, to the Judge Advocate General.

CHAPTER V.—Investigation of Charges and Trial by Court-martial

SECTION I—Investigation of charges, Minor Punishments and Remand for trial

24. Disposal of the charge or adjournment for taking down the summary of evidence.—(1) Every charge against a person subject to the Act shall be heard in the presence of the accused. The accused shall have full liberty to cross-examine any witness against him, and to call any witnesses and made any statement in his defence.

(2) The commanding officer shall dismiss a charge brought before him if, in his opinion, the evidence does not show that some offence under the Act has been committed, and may do so if, in his discretion, he thinks the charge ought not to be proceeded with.

(3) At the conclusion of the hearing of a charge, if the commanding officer is of opinion that the charge ought to be proceeded with, he shall, without unnecessary delay, either:—

- (a) dispose of the case summarily; or
- (b) refer the case to the proper superior air force authority; or
- (c) adjourn the case for the purpose of having the evidence reduced to writing.

(4) Where the case is adjourned for the purpose of having the evidence reduced to writing, at the adjourned hearing the evidence of the witnesses who were present and gave evidence before the commanding officer, whether against or for the accused, and of any other person whose evidence appears to be relevant shall be taken down in writing in the presence and hearing of the accused before the commanding officer or such officer as he directs.

(5) The accused may put questions in cross-examination to any witness, and the questions with the answers shall be added in writing to the evidence taken down.

(6) The evidence of each witness when taken down, as provided in sub-rules (4) and (5), shall be read over to him, and shall be signed by him, or if he cannot write his name, shall be attested by his mark and witnessed. Any statement of the accused material to his defence shall be added in writing and read over to him.

(7) The evidence of the witnesses and the statement, if any, of the accused shall be recorded in the English language. If the witness or accused, as the case may be, does not understand English the evidence or statement, as recorded, shall be interpreted to him in a language which he understands.

(8) If a person cannot be compelled to attend as a witness, or if owing to the exigencies of service or any other grounds (including the expense and loss of time involved), the attendance of any witness cannot, in the opinion of the commanding officer or the officer taking the summary (to be certified in writing by the commanding officer or such officer), be readily procured, a written statement of his evidence purporting to be signed by him may be read to the accused and included in the summary of evidence.

(9) Any witness who is not subject to the air force law may be summoned to attend by order under the hand of the commanding officer of the accused. The summons shall be in Form C.1 as provided in the Third Schedule.

25. Remand of accused.—(1) The evidence and statement, if any, taken down in writing in pursuance of rule 24 (hereinafter referred to as the summary of evidence) shall be considered by the commanding officer, who thereupon shall either—

- (a) remand the accused for trial by court-martial; or
- (b) refer the case to the proper superior air force authority; or
- (c) if he thinks it desirable, re-hear the case and dispose of it summarily.

(2) If the accused is remanded for trial by court-martial, the commanding officer shall without unnecessary delay apply to the proper air force authority to convene a court-martial.

(3) The summary of evidence, or a true copy thereof, shall be furnished to the convening authority with the application to convene a court-martial, and shall be laid before the court-martial before which the accused is tried on the assembly of the court.

26. Application of rules 24 and 25 to officers exercising powers of a commanding officer.—The provisions of rules 24 and 25 shall, so far as practicable, also apply to an officer exercising the powers of a commanding officer.

27. Action by officer having power to convene a district court-martial.—An officer having power to convene a district court-martial to whom a case is referred under the provisions of clause (b) of sub-rule (1) of rule 25 may, at his discretion either:—

- (a) authorise in writing the commanding officer or other officer exercising the powers of a commanding officer to dispose of the case summarily, or
- (b) refer the case to a superior authority, or
- (c) order the assembly of a district court-martial for the trial of the accused person.

28. Action by officer having power to convene a general court-martial.—An officer having power to convene a general court-martial to whom application for the convening of such court-martial is made, may, at his discretion,—

- (a) deal with the case summarily, as provided in rule 31, or
- (b) order the assembly of a court-martial for the trial of the accused person.

29. Limitation of powers of minor punishment according to rank.—(1) A commanding officer or other officer exercising the powers of a commanding officer, if of the rank of Squadron Leader or above, may, without the intervention of a court-martial, award the minor punishments specified in section 82.

(2) A commanding officer, or other officer exercising the powers of a commanding officer, of the rank of Flight Lieutenant, shall have the powers of punishment specified in the said section, provided that he shall not award detention or field punishment for a period exceeding seven days.

(3) A commanding officer, or other officer exercising the powers of a commanding officer, who is below the rank of Flight Lieutenant shall have the powers of imposing punishment specified in the said section, except the following, in the case of non-commissioned officers, namely,—

- (a) severe reprimand;
- (b) deprivation of acting rank; and
- (c) penal deduction under clause (g) of section 92;

and, in the case of persons below non-commissioned ranks, forfeiture of badge pay;

Provided that such officer shall not award detention or field punishment for a period exceeding seven days, or confinement to the camp for a period exceeding ten days

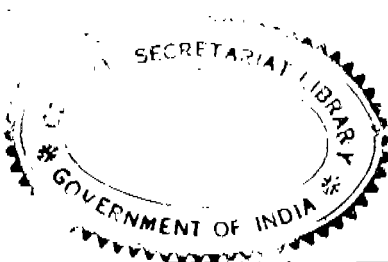
(4) Notwithstanding anything contained in sub-rules (2) and (3), where a commanding officer or other officer exercising the powers of a commanding officer is below the rank of Squadron Leader, an officer superior in command to such commanding or other officer, may, if he considers desirable, restrict the powers under the said sub-rule of such commanding officer or other officer to any extent that he thinks fit.

30. Powers of minor punishment of Subordinate Commanders.—(1) Subject to the provisions of sub-rule (2), an officer other than a commanding officer, who has with the consent of the Central Government been specified by the Chief of the Air Staff as a "Subordinate Commander," may award such minor punishments and to such extent as specified in this rule.

(2) The subordinate commanders specified in the column 1 of the Table below, if authorised in this behalf by the commanding officer or other officer exercising the powers of a commanding officer, may award to the persons specified in column 2 the minor punishments specified in the column 3 thereof provided that, save when an officer of the rank of Flight Lieutenant is officiating in an appointment normally held by an officer of higher rank, or when no subordinate commander of the rank of Squadron Leader or above is available, an officer of the rank of Flight Lieutenant shall not be authorised to award the punishment of fine.

TABLE

Authority competent to award punishment	Person who may be punished	Punishment
1	2	3
1. Officer of the rank of Flight Lieutenant or above.	(a) Non-commissioned Officer.	(i) Reprimand. (ii) Admonition.
	(b) Airman below non-commissioned rank.	(a) Confinement to the Camp for a period not exceeding seven days. (ii) Extra Guards or duties not exceeding 3 in number. (iii) Admonition. (iv) Fine not exceeding 4 days pay provided that an airman shall not be fined more than seven days pay in any one month.



1

2

3

2. Officer below the rank of Flight Lieutenant (a) Non-commissioned Officer. Admonition.

(b) Airmen below non-commissioned rank.

(i) Confinement to the Camp for a period not exceeding three days.

(ii) Extra Guards or duties not exceeding 3 in number.

(iii) Admonition.

31. Summary disposal of charge against officers and warrant officers.—(1) When an officer or warrant officer is remanded for a summary disposal of the charge against him, a copy of the summary of evidence shall be delivered to him free of charge as soon as practicable after its preparation, and in any case not less than forty-eight hours before such disposal.

(2) The officer dealing with the case summarily under section 86 shall hear the witnesses, if any, in the presence of the accused, but may dispense with such hearing, if the accused person consents in writing thereto.

(3) If the accused person demands that the evidence against him be taken on oath, such evidence shall be so taken. The oath or affirmation shall be administered by the officer dealing with the case summarily.

(4) The accused may put questions in cross-examination to any witness, call any witnesses and make a statement in his defence.

(5) The proceedings shall be recorded as far as practicable in accordance with Form E.1 or Form E.2 (as may be appropriate) of the forms for use for summary disposal of charges against officers and warrant officers contained in the Fourth Schedule and in every case in which a punishment is awarded, the original and a certified true copy of the proceedings together with the summary of evidence shall be forwarded through the proper channel to the superior air force authority as defined in section 89.

32. Summary award of punishment by commanding or other officer.—When a commanding officer, or other officer having power to dispose of an offence summarily, has once awarded a punishment for that offence, he cannot afterwards increase the punishment for that offence.

33. Revision of minor punishments.—(1) If a minor punishment awarded under section 82 appears to any officer superior in command to the officer who awarded the punishment to be wholly illegal, he shall direct that the award be cancelled and the entry in the records of the accused be expunged.

(2) If such minor punishment appears to any such superior officer to be in excess of the punishment authorised by law for the offence, he may vary the punishment awarded so that it shall not be in excess of the punishment authorised by law, and the entry in the record of the accused shall be varied accordingly.

(3) If such minor punishment appears to any such superior officer to be too severe having regard to all the circumstances of the case, he may remit the whole or part of the punishment awarded and such remission shall be entered in the records of the accused.

Framing Charges

34. Charge-sheet and charge.—(1) A charge-sheet of the nature specified in the Fifth Schedule shall contain the whole issue or issues to be tried by a court-martial at one time.

(2) A charge means an accusation contained in a charge-sheet, that a person subject to the Act has been guilty of an offence.

(3) A charge-sheet may contain one charge or several charges.

35. Commencement of charge-sheet.—Every charge-sheet shall begin with the name and description of the person charged, and state, in the case of an officer, his rank, name, number, and unit, and in the case of a warrant officer, or other enrolled person, his number, rank, name and unit. When the accused person does not belong to the regular air force, the charge-sheet shall show by the description of him, or directly by an express averment, that he is subject to the Act in respect of the offence charged.

36. Contents of charge.—(1) Each charge shall state one offence only, and in no case shall an offence be described in the alternative in the same charge.

(2) Each charge shall be divided into two parts—

(a) the statement of the offence; and

(b) the statement of the particulars of the act, neglect, or omission constituting the offence.

(3) The offence shall be stated, if not a civil offence, as nearly as practicable, in the words of the Act, and if a civil offence, in such words as sufficiently describe that offence, but not necessarily in technical words.

(4) The particulars shall state such circumstances respecting the alleged offence as will enable the accused to know what act, neglect or omission is intended to be proved against him as constituting the offence.

(5) The particulars in one charge may be framed wholly or partly by a reference to the particulars in another charge, and in that case so much of the latter particulars as are so referred to shall be deemed to form part of the first mentioned charge as well as of the other charge.

(6) Where it is intended to prove any facts in respect of which any deduction from pay and allowances can be awarded as a consequence of the offence charged, the particulars shall state those facts, and the sum of the loss or damage it is intended to charge.

37. Signature on charge sheet.—The charge sheet shall be signed by the commanding officer of the accused and shall contain the place and date of such signature.

38. Validity of charge-sheet.—(1) A charge-sheet shall not be invalid by reason only of any mistake in the name or description of the person charged, if he does not object to the charge-sheet during the trial, and it is not shown that injustice has been done to the person charged.

(2) In the construction of a charge-sheet or charge, there shall be presumed in favour of supporting the same every proposition which may reasonably be presumed to be impliedly included though not expressed therein.

Preparation of Defence by Accused Persons

39. Opportunity for accused to prepare defence.—An accused person for whose trial a court-martial has been ordered to assemble shall be afforded proper opportunity of preparing his defence, and shall be allowed free communication with his witnesses, and with any friend or legal adviser whom he may wish to consult.

40 Warning of accused for trial.—(1) The accused before he is arraigned shall be informed by an officer of every charge on which he is to be tried; and also that, on his giving the names of witnesses whom he desires to call in his defence, reasonable steps will be taken for procuring their attendance, and those steps shall be taken accordingly.

The interval between his being so informed of the charges against him and his arraignment must be such as to allow him to have his witnesses present, and to consider his defence.

(2) The officer at the time of so informing the accused shall give him a copy of the charge-sheet, and, if he desires it, a vernacular translation of the same, and shall, if necessary, read and explain to him the charges brought against him.

(3) If he desires it, a list of the names, ranks, and units of the officers who are to form the court, and where officers in waiting are named, also of these officers, will be given to the accused.

(4) If it appears to the court that the accused is liable to be prejudiced at his trial by any non-compliance with this rule, the court shall take steps and, if necessary, adjourn to avoid the accused being so prejudiced.

41. Joint trial of several accused persons.—Any number of accused persons may be tried together for an offence charged to have been committed by them collectively, and any number of accused persons, although not charged jointly, may be tried together for an offence averred to have been committed by one or more of them and to have been abetted by others but in such cases notice of the intention to try the accused persons together shall be given to each of the accused at the time of his being informed of the charge, and any accused person may claim, either by notice to the authority convening the court, or when arraigned before the court, by notice to the court to be tried separately, on the ground that the evidence of one or more of the other accused persons proposed to be tried together with him will be material to his defence; the convening authority or court, if satisfied that the evidence will be material, and if the nature of the charge admits of it, shall allow the claim, and such accused person shall be tried separately.

Exception from Rules

42. Suspension of rules on the ground of the exigencies of the service or the necessities of discipline.—Where it appears to the officer convening a court-martial, or to the senior officer on the spot, that exigencies of the service or the necessities of discipline, render it impossible or inexpedient to observe any of the provisions of rule 24 sub-rule (4), sub-rule (5), sub-rule (6) and sub-rule (7) and of rules 25, 39 and 40 he may, by order under his hand, make a declaration to that effect specifying the nature of such exigencies or necessities, and thereupon the trial or other proceedings shall be as valid as if the rule mentioned in such declaration had not been contained herein; and the declaration may be made with respect to all or any of the provisions of the rules aforesaid mentioned:

Provided that the accused shall have full opportunity of making his defence, and shall be afforded every facility for preparing it which is practicable, having due regard to the said exigencies or necessities.

SECTION 2.—General and District Courts-Martial Convening the Court

43. Convening of general and district court-martial.—(1) An officer before convening a general or district court-martial shall first satisfy himself that the charges to be tried by the court are for offence within the meaning of the Act, and that the evidence justifies a trial on those charges, and if not so satisfied, shall order the release of the accused, or refer the case to superior authority.

(2) He shall also satisfy himself that the case is a proper one to be tried by the description of court-martial he proposes to convene.

(3) The officer convening a court-martial shall appoint or detail the officers to form the court, and may also appoint or detail such waiting officers as he thinks expedient. He may also, where he considers the services of an interpreter to be necessary, appoint or detail an interpreter to the court.

(4) The officer convening a court-martial shall send to the senior member thereof, the original charge sheet on which the accused is to be tried, the summary of evidence and the order for the assembly of the court-martial.

44. Adjournment for insufficient number of officers.—(1) If, before the accused is arraigned, the full number of officers detailed are not available to serve, by reason of non-eligibility, disqualification, challenge or otherwise, and if there

are not a sufficient number of officers in waiting to take the place of those unable to serve, the court shall ordinarily adjourn for the purpose of fresh members being appointed; but if the court is of opinion that in the interests of justice, and for the good of the service, it is inexpedient so to adjourn it may, if not reduced in number below the required minimum, proceed recording their reasons for so doing.

(2) If the court adjourns for the purpose of the appointment of fresh members whether under these rules or otherwise, the convening officer may, if he thinks fit, convene another court.

45. Ineligibility and disqualification of officers for court-martial.—(1) An officer is not eligible to serve on a court-martial unless he is subject to air force law.

(2) An officer is disqualified for serving on a general or district court-martial if he

- (a) is the officer who convened the court; or
- (b) is the prosecutor, or a witness for the prosecution, or
- (c) investigated the charges before trial, or took down the summary of evidence or was a member of a Court of inquiry respecting the matters on which the charges against the accused are founded, or was the flight, squadron, station, unit, or other commander who made preliminary inquiry into the case, or was a member of previous court-martial which tried the accused in respect of the same offence; or
- (d) is the commanding officer of the accused or of the unit to which the accused is attached or belongs, or
- (e) has a personal interest in the case.

(3) The provost-marshal or assistant provost-marshal is disqualified from serving on a general or district court-martial.

46. Composition of general court-martial.—(1) The senior member of a general court-martial shall be of a rank not below that of a Group Captain, unless in the opinion of the convening officer, to be stated in the order convening the court and to be conclusive, an officer of that rank is not (having due regard to the public service) available.

(2) All members of a general court-martial for the trial of an officer shall be of equal if not superior rank to the accused, unless in the opinion of the convening officer, to be stated in the order convening the court and to be conclusive, offices of the required rank are not (having due regard to the public service) available:

Provided that in no case shall an officer below the rank of Flight Lieutenant be appointed a member of a court-martial for the trial of an officer of or above the rank of Squadron Leader.

47. Composition of a district court-martial.—The senior member of a district court-martial shall be of a rank not below that of Squadron Leader, unless in the opinion of the convening officer, to be stated in the order convening the court and to be conclusive, an officer of that rank is not (having due regard to the public service) available.

48. Units of members of court-martial.—A general or district court-martial shall not be composed exclusively of officers of the same unit, unless the convening officer states in the order convening the court that in his opinion other officers are not (having due regard to the public service) available, and in no case shall it consist exclusively of officers belong to the same unit as the accused.

Procedure at Trial-Constitution of Court

49. Inquiry by court as to legal constitution.—(1) On the court assembling, the order convening the court shall be read, and also the names, rank and unit

of the officers appointed to serve on the court; and it shall be the first duty of the court to satisfy itself that the court is duly constituted that is to say—

- (a) that, so far as the court can ascertain, the court has been convened in accordance with the Act and these rules;
- (b) that the court consists of a number of officers not less than the required minimum, and, save as mentioned in rule 44, not less than the number detailed;
- (c) that each of the officers so assembled is eligible and not disqualified for serving on that court-martial.

(2) The court shall, further, if it is a general or district court-martial to which a judge-advocate has been appointed, ascertain that the judge-advocate is duly appointed and is not disqualified for acting at that court-martial.

The court, if not satisfied on the above matters, shall report its opinion to the convening authority, and may adjourn for that purpose.

50. Inquiry by court as to amenability of accused and validity of charge.—

(1) The court, when satisfied on the above matters, shall satisfy itself in respect of each charge about to be brought before them—

- (a) that it appears to be laid against a person subject to the Act and to the jurisdiction of the court, and
- (b) that each charge discloses an offence under the Act and is framed in accordance with these rules, and is so explicit as to enable the accused readily to understand what he has to answer.

(2) The court, if not satisfied on the above matters, shall report its opinion to the convening authority and may adjourn for that purpose.

Procedure at Trial—Challenge and Swearing

51. Appearance of accused and prosecutor.—When the court is satisfied as to the above facts, it shall cause the accused to be brought before the court, and the prosecutor who must be a person subject to air force law, shall take his place.

52. Proceedings for challenges of members of court.—The order convening the court and the names of the presiding officer and members of the court shall then be read over to the accused and he shall be asked, as required by section 129, whether he objects to be tried by any officer sitting on the court. Any such objections shall be disposed of in accordance with the provisions of section 129:

Provided that—

- (a) the accused shall state the names of all the officers to whom he objects before any objection is disposed of;
- (b) the accused may call any person to give evidence in support of his objection, and such person may be questioned by the accused and by the court;
- (c) if more than one officer is objected to, the objection to each officer shall be disposed of separately, and the objection in respect of the officer lowest in rank shall be disposed of first; and on an objection to an officer, the remaining officers of the court shall in the absence of the challenged officer, vote on the disposal of such objection, notwithstanding that objections have also been to any of those officers;
- (d) when an objection to an officer is allowed that officer shall forthwith retire, and take no further part in the proceedings;
- (e) when an officer objected to retires, and there are any officers in waiting, the vacancy shall be forthwith filled by one of the officers in waiting being directed by the presiding officer to serve in lieu of the retiring officer. If there is no officer in waiting available, the court shall proceed as directed by rule 44;

- (f) the eligibility, absence of disqualification, and freedom from objection of an officer filling a vacancy shall be ascertained by the court, as in the case of other officers appointed to serve on the court.

Form of Oath

53. "I.....do swear by Almighty God that I will well and truly try the accused (or accused persons) before the court according to the evidence, and that I will duly administer justice according to the Air Force Act, 1950, without partiality, favour or affection; and if any doubt shall arise, then, according to my conscience, the best of my understanding and the custom of war in the like cases; and I do further swear that I will not, on any account at any time, whatsoever, disclose, or discover the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof by a court of justice or a court-martial in due course of law.

Form of Affirmation

"I.....do solemnly, sincerely and truly declare and affirm that I will well and truly try the accused (or accused persons) before the Court according to the evidence, and that I will duly administer justice according to the Air Force Act, 1950, without partiality, favour or affection; and if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of war in the like cases; and I do further solemnly, sincerely and truly declare and affirm that I will not, on any account at any time, whatsoever, disclose, or discover the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof by a court of justice or a court-martial in due course of law."

Judge-Advocate

Form of Oath

54. "I.....do swear by Almighty God that I will to the best of my ability carry out the duties of Judge Advocate in accordance with the Air Force Act, 1950, and the rules made thereunder and without partiality, favour or affection, and I do further swear that I will not on any account at any time whatsoever, disclose or discover the vote or opinion on any matter of any particular member of this court-martial, unless required to give evidence thereof by a court of justice or a court-martial in due course of law."

Form of Affirmation

"I.....do solemnly, sincerely and truly declare and affirm that I will to the best of my ability carry out the duties of Judge-Advocate in accordance with the Air Force Act, 1950, and the rules made thereunder and without partiality, favour or affection, and I do further solemnly, sincerely and truly declare and affirm that I will not on any account at any time whatsoever disclose or discover the vote or opinion on any matter of any particular member of this court-martial, unless required to give evidence thereof by a court of justice or a court-martial, in due course of law."

Officer Attending for the purposes of instruction

Form of Oath

"I.....do swear by Almighty God that I will not on any account at any time whatsoever disclose or discover the vote or opinion of any particular member of this court-martial unless required to give evidence thereof by a court of justice or a court-martial, in due course of law."

Form of Affirmation

"I.....do solemnly, sincerely and truly declare and affirm that I will not on any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court-martial unless required to give evidence thereof by a court of justice or a court-martial, in due course of law."

Interpreter

Form of Oath

"I.....do swear by Almighty God that I will faithfully interpret and translate, as I shall be required to do, touching the matter before this court-martial."

Form of Affirmation

"I.....do solemnly, sincerely and truly declare and affirm that I will faithfully interpret and translate, as I shall be required to do so, touching the matter before this court-martial."

55. Persons to administer oaths and affirmations.—All oaths and affirmations shall be administered by a member of the court, the judge advocate, or some other person empowered by the court to administer such oath or affirmation.

Prosecution, Defence and Summing up

56. Arraignment of accused.—(1) After the members of the court and other persons are sworn or affirmed as above-mentioned, the accused shall be arranged, on the charges against him.

(2) The charges upon which the accused is arraigned shall be read and, if necessary, translated to him, and he shall be required to plead separately to each charge.

57. Objection by accused to charge.—The accused, when required to plead to any charge, may object to the charge on the ground that it does not disclose an offence under the Act or is not in accordance with these rules.

58. Amendment of charge.—(1) At any time during the trial, if it appears to the court that there is any mistake in the name or description of the accused in the charge-sheet, the court may amend the charge-sheet so as to correct that mistake.

(2) If on the trial of any charge it appears to the court at any time before they have begun to examine the witnesses, that in the interests of justice any addition to, omission from, or alteration in, the charge is required, they may report their opinion to the convening authority, and may adjourn, and the convening authority may either direct a new trial to be commenced, or amend the charge and order the trial to proceed with such amended charge after due notice to the accused.

59. Special plea to the jurisdiction.—(1) The accused, before pleading to a charge, may offer a special plea to the general jurisdiction of the court; and if he does so, and the court considers that anything stated in such plea shows that the court has no jurisdiction, they shall receive any evidence offered in support, together with any evidence offered by the prosecutor in disproof or qualification thereof, and any address by the accused and reply by the prosecutor in reference thereto.

(2) If the court overrules the special plea, they shall proceed with trial.

(3) If the court allows the special plea, it shall record its decision and the reasons for it, and report it to the convening authority and adjourn; such decision shall not require any confirmation, and the convening authority shall either forthwith convene another court for the trial of the accused, or order the accused to be released.

(4) If the court is in doubt as to the validity of the plea, it may refer the matter to the convening authority, and may adjourn for that purpose, or may record a special decision with respect to such plea, and proceed with the trial.

60. General plea of "guilty" or "not guilty".—(1) If no special plea to the general jurisdiction of the court is offered, or if such plea being offered, is overruled, or is dealt with by a special decision under sub-rule (4) of rule 59, the accused person's plea—"guilty" or "not guilty" (or if he refuses to plead, or does not plead intelligibly either one or the other, a plea of "not guilty")—shall be recorded on each charge.

(2) If an accused person pleads "guilty", that plea shall be recorded as the finding of the court; but, before it is recorded, the officer conducting the proceedings, on behalf of the court, shall ascertain that the accused understands the nature of the charge to which he has pleaded guilty, and shall inform him of the general effect of that plea, and in particular of the meaning of the charge to which he has pleaded guilty, and of the difference in procedure which will be made by the plea of guilty, and shall advise him to withdraw that plea if it appears from the summary of evidence that the accused ought to plead "not guilty".

(3) When an accused person pleads "guilty" to the first of two or more charges laid in the alternative, the prosecutor may, after the provisions of sub-rule (2)

have been complied with by the court and before the accused is arraigned on the alternative charge or charges, withdraw such alternative charge or charges without requiring the accused to plead thereto and a record to that effect shall be made upon the proceedings of the court.

(4) A plea of "guilty" shall not be accepted in cases where the accused is liable, if convicted, to be sentenced to death and where such plea is offered, a plea of "not guilty" shall be recorded and the trial shall proceed accordingly.

61. Plea in bar.—(1) The accused, at the time of his general plea of "guilty" or "not guilty" to a charge for an offence, may offer a plea in bar of trial on the ground that—

(a) he has been previously convicted or acquitted of the offence by a competent criminal court or by a court-martial or has been dealt with summarily under section 82 or section 86 for the offence or a charge in respect of the offence has been dismissed as provided in sub-rule (2) of rule 24; or

(b) the offence has been pardoned or condoned by competent air force authority; or

(c) the time which has elapsed between the commission of the offence and the commencement of the trial is more than three years, and the limit of time for trial is not extended under section 121.

(2) If he offers such plea in bar, the court shall record it as well as his general plea, and if it considers that any fact or facts stated by him are sufficient to support the plea in bar it shall receive any evidence offered, and hear any address made by the accused and the prosecutor in reference to the plea.

(3) If the court finds that the plea in bar is proved, it shall record its finding, and notify it to the confirming authority, and shall either adjourn, or if there is any other charge against the accused, whether in the same or in a different charge-sheet, which is not affected by the plea in bar, may proceed with the trial of the accused on that charge.

(4) If the finding that the plea in bar is proved is not confirmed, the court may be reassembled by the confirming authority, and proceed as if the plea had been found not proved.

(5) If the court finds that the plea in bar is not proved; it shall proceed with the trial, and the said finding shall be subject to confirmation like any other finding of the court.

62. Procedure after plea of "guilty".—(1) Upon the record of the plea of "guilty", if there are other charges in the same charge-sheet to which the plea is "not guilty", the trial shall first proceed with respect to those other charges, and after findings on those charges, shall proceed with the charges on which a plea of "guilty" has been entered; but if they are alternative charges, the court may either proceed with respect to all the charges as if the accused had not pleaded "guilty" to any charge, or may, subject to sub-rule (2), instead of trying him, record a finding of "guilty" upon any one of the alternative charges to which he has pleaded "guilty", and a finding of "not guilty" upon all the other alternative charges.

(2) Where alternative charges are preferred and the accused pleads "not guilty" to the charge which alleges the more serious offence and "guilty" to the other, the court shall try the accused person as if he had pleaded "not guilty" to all the charges:

Provided that this sub-rule shall not apply if the concurrence of the Convening Officer has been signified by the prosecutor.

(3) After the record of the plea of "guilty" on a charge (if the trial does not proceed on any other charges) the court shall receive any statement which the accused desires to make in reference to the charge, and shall read the summary of evidence, and annex it to the proceedings, or if there is no such summary, shall take and record sufficient evidence to enable them to determine the sentence, and the confirming officer to know all the circumstances connected with the offence. This evidence will be taken in like manner as is directed by these rules in the case of a plea of "not guilty".

(4) After evidence has been so taken, or the summary of evidence has been read, as the case may be, the accused may make a statement in mitigation of punishment, and may call witnesses as to his character.

(5) If from the statement of the accused or from the summary of evidence or otherwise it appears to the court that the accused did not understand the effect of his plea of "guilty" the court shall alter the record and enter a plea of "not guilty" and proceed with the trial accordingly.

(6) If a plea of "guilty" is recorded, and the trial proceeds with respect to other charges in the same charge-sheet, the proceedings under sub-rules (3) and (4) shall take place when the findings on the other charges in the same charge-sheet are recorded.

(7) When the accused at any court-martial states anything in mitigation of punishment which in the opinion of the court requires to be proved, and would, if proved, affect the amount of punishment, the court may permit the accused to call witnesses to prove the same.

63. Withdrawal of plea of "not guilty".—The accused may, if he thinks fit, at any time during the trial, withdraw his plea of "not guilty", and plead "guilty", and in such case the court will at once, subject to a compliance with sub-rules (2) and (4) of rule 60, record a plea and finding of "guilty", and shall, so far as is necessary, proceed in the manner directed by rule 62.

64. Plea of "not guilty" and case for prosecution.—After the plea of "not-guilty" to any charge is recorded, the trial shall proceed as follows—

- (a) the prosecutor may, if he desires, make an opening address;
- (b) the evidence for the prosecutor shall then be taken;
- (c) if it should be necessary for the prosecutor to give evidence for the prosecution on the facts of the case, he shall give it after the delivery of his address, and he must be sworn and give his evidence in detail;
- (d) he may be cross-examined by the accused and afterwards may make any statement which might be made by a witness on re-examination.

65. Plea of no case.—(1) At the close of the case for prosecution, the accused may offer a plea that the evidence given on behalf of the prosecution, in respect of any one or more charges, has not established a prima facie case against him and that he should not, therefore, be called upon for his defence as respects such charge or charges.

(2) The court shall hear the address by the accused in support of such plea, and the reply by the prosecutor thereto, and shall consider the plea in closed court; and if it is satisfied that the plea is well-founded in respect of any one of more charges to which it relates, it shall record a finding of "not-guilty" in respect of such charge or charges, and the accused shall thereafter be called upon for his defence only in respect of the remaining charges, if any, in the charge-sheet.

66. Procedure for defence.—(1) At the close of the evidence for the prosecution, if the plea for "no case" is not offered by the accused, or if offered is overruled, the accused may, if he so desires, make an opening address.

(2) The accused shall be asked if he has any thing to say in his defence and may make a statement in his defence.

(3) Any statement allowed under this or any other of these rules to be made by the accused, may be made either orally or in writing; but the accused making the statement shall not be sworn.

(4) The court or the judge advocate, if any, may question the accused for the purpose of enabling him to explain any circumstances appearing in his statement or in the evidence against him. The accused shall not render himself liable to punishment by refusing to answer such questions or by giving answers to them which he knows not to be true, but the court may draw such inference from such refusal or answers as it thinks fit.

(5) The accused shall then be asked if he intends to call any witness to the facts of the case. If the accused does not state that he intends to call witnesses to the facts of the case, the procedure shall be as specified in rule 67, and if he states that he intends to call witnesses to the facts of the case, the procedure shall be as specified in rule 68.

67. Procedure where accused does not call witnesses to the facts of the case.—(1) The accused may call witnesses as to character.

(2) The prosecutor may, in reply to the witnesses as to character, produce proof of formal conviction either by a court material or by a criminal court and entries in the service conduct sheets.

(3) The prosecutor may address the court for the purpose of summing up the evidence for the prosecution.

(4) The accused may then address the court in his defence. The time at which such address is allowed is in these rules referred to as the time for the second address of the accused.

68. Procedure where accused calls witnesses to the facts of the case.—(1) The accused may call witnesses, including witnesses as to character.

(2) The prosecutor may with the permission of the court, call witnesses in reply.

(3) The accused may again address the court. The time at which such second address is allowed is in these rules referred to as the time for the second address of the accused.

(4) The prosecutor shall be entitled to address the court in reply.

69. Summing up by judge advocate.—(1) The judge advocate, if any, shall unless both he and the court think summing up unnecessary, sum up in open court the whole case.

(2) After the summing up of the judge advocate, no other address shall be allowed.

FINDING AND SENTENCE

70. Consideration of finding.—(1) The court shall deliberate on its finding in closed court.

(2) The opinion of each member of the court shall be taken separately on each charge.

71. Form, record and announcement of finding.—(1) The finding on every charge shall be recorded, and, except, as mentioned in these rules, shall be recorded simply as a finding of "guilty" or of "not-guilty".

(2) Where the court is of opinion as regards any charge that the facts proved do not disclose the offence charged or any offence of which he might under the Act be found guilty on the charge as laid, the court shall acquit the accused of that charge.

(3) If the court doubts as regards any charge whether the facts proved show the accused to be guilty or not of the offence charged, or of any offence of which he might under the Act be found guilty on the charge as laid, it may, before recording a finding on that charge, refer to the confirming authority for an opinion setting out the facts which it finds to be proved, and may, if necessary, adjourn for that purpose.

(4) Where the court is of opinion as regards any charge that the facts which it finds to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge, but are nevertheless sufficient to prove the offence stated in the charge, and that the difference is not so material as to have prejudiced the accused in his defence, it may, instead of a finding of "not guilty", record a special finding.

(5) The special finding may find the accused guilty on a charge subject to the statement of exceptions or variations specified therein.

(6) Where there are alternative charges and the facts proved appears to the court not to constitute the offence mentioned in any of those alternative charges, the court shall record a finding of "not guilty" on that charge, but if the court thinks that the facts proved constitute one of the offences stated in two or more of the alternative charges, but doubts which of those offences the facts do at law constitute, then it may, before recording a finding on those charges, refer to the confirming authority for an opinion, setting out the facts which it finds to be proved, and stating that it doubts whether those facts constitute in law the offence in such one or another of the alternative charges and may, if necessary, adjourn for the purpose.

(7) The court shall not find the accused guilty on more than one of two or more charges laid in the alternative, even if conviction upon one charge necessarily connotes guilt upon the alternative charge or charges.

(8) In any case where the court is empowered by section 138 to find the accused guilty of an offence other than that charged, or guilty of committing an offence in circumstances involving a less degree of punishment, or where it could after hearing the evidence have made a special finding of guilty subject to exceptions or variations in accordance with sub-rules (4) and (5), it may, if it is satisfied of the justice of such course, and if the concurrence of the convening officer is signified by the prosecutor, accept and record a plea of guilty of such other offence as having been committed, in circumstances involving such less degree of punishment, or of the offence charged subject to such exceptions or variations.

(9) The finding on each charge shall be announced forthwith in open court as subject to confirmation.

72. Procedure on acquittal.—If the finding on all the charges is "not guilty" the presiding officer shall date and sign the finding and such signature shall authenticate the whole of the proceedings, and the proceedings, upon being signed by the judge advocate, if any, shall be at once transmitted for confirmation, to the person specified in rule 101.

73. Procedure on conviction.—(1) If the finding on any charge is "guilty", then, for the guidance of the court in determining its sentence, and of the confirming authority in considering the sentence, the court, before deliberating on its sentence, shall whenever possible, take evidence of and record general character, age, service, rank, and any recognised acts of gallantry or distinguished conduct of the accused, any previous convictions of the accused either by a court-martial or a criminal court, any previous punishments awarded to him by an officer exercising authority under section 82 or 36, the length of time he has been in arrest or in confinement on any previous sentence, and any military or air force decoration, or military or air force reward, of which he may be in possession or to which he is entitled.

(2) Evidence on the above matters may be given by a witness verifying a statement which contains a summary of the entries in the service records respecting the accused and identifying the accused as the person referred to in that summary.

(3) The accused may cross-examine any such witness, and may call witnesses to rebut such evidence; and if the accused so requests, the service records or a duly certified copy of the material entries therein, shall be produced; and if the accused alleges that the summary is in any respect not in accordance with the service records or such certified copy, as the case may be, the court shall compare the summary with those records or copy, and if it finds it is not in accordance therewith, shall cause the summary to be corrected accordingly.

(4) When all the evidence on the above matters has been given the accused may address the court thereon.

74. Sentence.—The court shall award one sentence in respect of all the offences of which the accused is found guilty, and such sentence shall be deemed to be awarded in respect of the offence in each charge in respect of which it can be given, and not to be awarded in respect of any offence in a charge in respect of which it cannot be given.

75. Recommendation to mercy.—(1) If the court makes a recommendation to mercy it shall give its reasons for its recommendation.

(2) The number of opinions by which a recommendation to mercy mentioned in this rule, or any question relative thereto, is adopted or rejected, may be entered in the proceedings.

76. Announcement of sentence and signing and transmission of proceedings.—

(1) The sentence together with any recommendation to mercy and the reasons for any such recommendation shall be announced in open court as subject to confirmation.

(2) Upon the court awarding the sentence, the presiding officer shall date and sign the sentence and such signature shall authenticate the whole of the proceedings and the proceedings upon being signed by the judge advocate, if any, shall at once be transmitted for confirmation.

Confirmation and Revision

77. Revision.—(1) Where the finding or sentence is sent back for revision under section 159, the court shall re-assemble in Open Court, the revision order shall be read and if the Court is directed to take fresh evidence, such evidence shall also be taken in Open Court. The Court shall then deliberate on its finding in closed Court.

(2) Where the finding is sent back for revision and the court does not adhere to its former finding, it shall revoke the finding and sentence, and record a new finding, and if such new finding involves a sentence, pass sentence afresh.

(3) Where the sentence alone is sent back for revision, the court shall not revise the finding.

(4) After revision, the presiding officer shall date and sign the decision of the court, and the proceedings, upon being signed by the judge advocate, if any, shall be at once transmitted for confirmation.

78. Promulgation.—The charge, finding, sentence, and any recommendations to mercy shall, together with the confirmation or non-confirmation of the proceedings, be promulgated in such manner as the confirming authority may direct; and if no direction is given, according to the custom of the service.

79. Mitigation of sentence on partial confirmation.—(1) Where a sentence has been awarded by a court-martial in respect of offences in several charges, and the confirming authority confirms the finding on some but not on all of such charges, that authority shall take into consideration the fact of such non-confirmation, and shall, if it seems just, mitigate, remit, or commute the punishment awarded according as seems just, having regard to the offences in the charges the findings on which are confirmed.

(2) Where a sentence has been awarded by a court-martial in respect of offences in several charges and has been confirmed, and any one of such charges or the finding thereon is found to be invalid, the authority having power to mitigate, remit or commute the punishment awarded by the sentence shall take into consideration the fact of such invalidity, and if it seems just, mitigate, remit, or commute the punishment awarded according as seems just, having regard to the offences in the charges which with the findings thereon are not invalid, and the punishment as so modified shall be as valid as if it had been originally awarded only in respect of those offences.

80. Confirmation notwithstanding informality in, or excess of, punishment.—If the sentence of a court-martial is informally expressed, the confirming authority may, in confirming the sentence, vary the form so that it shall be properly expressed; and if the punishment awarded by the sentence is in excess of the punishment authorised by law, the confirming authority may vary the sentence so that the punishment shall not be in excess of the punishment authorized by law; and the confirming authority may confirm the finding and the sentence, as so varied, of the court-martial.

81. Member or prosecutor not to confirm proceedings.—A member of a court-martial or an officer who has acted as prosecutor at a court-martial, shall not confirm the finding or sentence of that court-martial, and where such member

or prosecutor becomes the confirming officer, he shall refer the finding and sentence of the court-martial to a superior authority competent to confirm the findings and sentences of the like description of court-martial.

General Provisions as to proceedings or General and District Courts-Martial

82. Seating of members.—The members of a court-martial shall take their seats according to their rank.

83. Responsibility of Presiding Officer.—(1) The presiding officer is responsible that the trial is conducted in proper order, and in accordance with the Act and these rules, and will take care that every thing is conducted in a manner befitting a court of justice.

(2) It is the duty of the presiding officer to see that justice is administered, that the accused has a fair trial, and that he does not suffer any disadvantage in consequence of his position as a person under trial, or of his ignorance, or of his incapacity to examine or cross-examine witnesses or otherwise.

84. Power of court over address of prosecutor and accused.—(1) It shall be the duty of the prosecutor to assist the court in the administration of justice, to behave impartially, to bring the whole of the transaction before the court, and not to take any unfair advantage of or suppress any evidence in favour of the accused.

(2) The prosecutor may not refer to any matter, not relevant to the charge or charges then before the court and it is the duty of the court to stop him from so doing and also to restrain any undue violence of language or want of fairness or moderation on the part of the prosecutor.

(3) The Court shall allow great latitude to the accused in marking his defence; he must abstain from any remarks contemptuous or disrespectful towards others, but he may for the purpose of his defence impeach the evidence and the motives of witnesses and prosecutor, and charge other persons with blame and even criminality, subject, if he does so, to any liability to further proceedings to which he would otherwise be subject. The Court may caution the accused as to the irrelevance of his defence, but shall not, unless in special cases, stop his defence solely on ground of such irrelevance.

85. Procedure on trial of accused persons together.—Where two or more accused persons are tried together and any evidence as to the facts of the case is tendered by any one or more of them, the evidence and addresses on the part of all accused persons shall be taken before the prosecutor replies, and the prosecutor shall make one address only in reply as regards all the accused persons.

86. Separate charge-sheets.—(1) When the convening officer directs any charges against an accused person to be inserted in different charge-sheets, the accused shall be arraigned and until after the finding tried, upon each charge-sheet, separately, and accordingly the procedure in rules 56 to 71 (both inclusive) shall, until after the finding, be followed in respect of each charge-sheet, as if it contained the whole of the charges against the accused.

(2) The trials upon the several charge-sheets shall be in such order as the convening officer directs.

(3) When the court has tried the accused upon all the charge-sheets it shall, in the case of the finding being "not guilty" on all the charges proceed as directed by rule 72 and in case of the finding on any one or more of the charges being "guilty" proceed as directed by rules 62 and 73 to 76 (both inclusive), in like manner in each case as if all the charges in the different charge-sheets had been contained in one charge-sheet, and the sentence passed shall be of the same effect as if all the charges had been contained in one charge-sheet.

(4) If the convening officer directs that, in the event of the conviction of an accused person upon a charge in any charge-sheet, he need not be tried upon the subsequent charge-sheets, the court in such event may, without trying the accused upon any of the subsequent charge sheets, proceed as before directed by sub-rule (3).

(5) Where a charge-sheet contains more than one charge, the accused may, before pleading, claim to be tried separately in respect of any charge or charges in that charge-sheet, on the ground that he will be embarrassed in his defence if he is not so tried separately; and in such case the court, unless it thinks his claim unreasonable, shall arraign and try the accused in like manner as if the convening officer had inserted the said charge or charges in different charge-sheets.

(6) If the accused pleads "guilty" to a charge in a charge-sheet, and the trial does not proceed as mentioned in sub-rule (1) of rule 62 with respect to the other charges in that charge-sheet the court shall, subject to the directions of the convening officer, proceed to try the accused on the charges in the next charge-sheet before it proceeds as directed by sub-rules (3) and (4) of rule 62.

87. Sitting in closed court.—(1) When a court-martial sits in closed court on any deliberation amongst the members or otherwise, no person shall be present except the members of the court, the judge advocate, any officers under instruction, and if interpreter has been appointed and the court considers his presence necessary, the interpreter; and the court may either retire, or may cause the place where they sit to be cleared of all other persons not entitled to be present.

(2) Except as above-mentioned, all the proceedings, including the view of any place, shall be in open court and in the presence of the accused.

88. Hours of sitting.—(1) A Court-martial may sit at such times and for such period between the hours of six in the morning and six in the afternoon as may be directed by the proper air force authority or, in the absence of any such direction, as the court-martial may, from time to time, determine:

Provided that no court-martial shall, subject to the provisions of sub-rules (2) and (3), sit for more than six hours in any one day.

(2) Where the court-martial considers it necessary to continue the trial after six in the afternoon or to sit for more than six hours in any one day, it may do so, but if it does so, the court-martial shall record in the proceedings the reasons for so doing.

(3) In cases requiring an immediate disposal or when the convening officer certifies under his hand that it is expedient in public interest, trials may be held at any hour.

(4) Where the court-martial or the convening officer or the senior officer on the spot is of the opinion that service exigencies or the interests of discipline require the court-martial to sit on Sunday or any other day declared as a holiday, the court-martial may sit accordingly but in no other case the court-martial shall sit on any of these days.

89. Continuity of trial and adjournment of court.—(1) When a court is once assembled and the accused has been arraigned the court shall, subject to the provisions of rule 88, continue the trial from day to day unless it appears to the court that an adjournment is necessary for the ends of justice, or that such continuance is impracticable.

(2) A court may adjourn from time to time, and from place to place, and may, when necessary, view any place.

(3) A court-martial, in the absence of a judge advocate (if such has been appointed for that court-martial), shall not proceed, and, if necessary shall adjourn.

(4) The senior officer on the spot, may also, for exigencies of the service, adjourn or prolong the adjournment of the court.

(5) If the time to which an adjournment is made is not specified, the adjournment shall be until further orders from the proper air force authority; and, if the place to which an adjournment is made is not specified, the adjournment shall be to the same place or to such other place as may be specified in further orders from the proper air force authority.

90. Suspension of trial.—(1) Where, in consequence of anything arising while the court is sitting, the court is unable by reason of dissolution, as specified in section 17, or otherwise, to continue the trial, the presiding officer, or in his absence, the senior member present shall immediately report the facts to the convening authority.

(2) Where a court-martial is dissolved before the finding, or, in case of a finding of guilty, before award of the sentence, the proceedings of the court-martial shall be null, and the accused may be tried by another court-martial.

91. Proceedings on death or illness of the accused.—In case of the death of the accused, or of such illness of the accused as renders it impossible to continue the trial, the court shall ascertain the fact of the death or illness by evidence, and record the same, and adjourn, and transmit the proceedings to the convening authority.

92. Death, retirement or absence of Presiding Officer.—In the case of the death, retirement on challenge or unavoidable absence of the presiding officer, the next senior officer shall take the place of the presiding officer and the trial shall proceed if the court is still composed of not less than the minimum number of officers of which it is required by law to consist.

93. Presence of members during trial.—(1) A member of a court, who has been absent while any part of the evidence on the trial of an accused person is taken, shall take no further part in the trial by that court of that person, but the proceedings of the court shall not be invalid unless reduced below the required minimum.

(2) An officer shall not be added to a court-martial after the accused has been arraigned.

94. Taking of opinions of members of court.—(1) Every member of a court must give his opinion on every question which the court has to decide, and must give his opinion as to the sentence, notwithstanding that he has given his opinion in favour of acquittal.

(2) The opinions of the members of the court shall be taken in succession, beginning with the member lowest in rank.

95. Procedure on incidental question.—If any question arises incidentally during the trial, the person, whether prosecutor or accused, requesting the opinion of the court, is to speak first; the other person is then to answer, and the first person is to be allowed to reply.

96. Swearing of court to try several accused persons.—(1) A court may be sworn or affirmed at one time to try any number of accused persons then present before it, whether those persons are to be tried together or separately and each accused person shall have power to object to the members of the court, and shall be asked separately whether he objects to any member.

(2) In the case of several accused persons to be tried separately, the court, upon one of those persons objecting to a member, may, according as it thinks fit, proceed to determine that objection or postpone the case of that person and swear or affirm the members of the court for the trial of the others alone.

(3) In the case of several accused persons to be tried separately, the court, when sworn or affirmed, shall proceed with one case, postponing the other cases, and taking them afterwards in succession.

(4) Where several accused persons are tried separately by the same court-martial upon charges arising out of the same transaction, the court may, if it considers it desirable in the interests of justice, postpone consideration of sentence to be awarded to any one or more of such accused persons until the trials of all such accused persons have been completed.

97. Swearing of interpreter and shorthand writer.—(1) At any time during the trial an impartial person may, if the court thinks it necessary, and shall if either the prosecutor or the accused request it on any reasonable ground, be sworn or affirmed to act as interpreter.

(2) An impartial person may, at any time of the trial, if the court thinks it desirable, be sworn or affirmed to act as a shorthand writer.

(3) Before a person is sworn or affirmed as interpreter or shorthand writer, the accused shall be informed of the person who is proposed to be sworn or affirmed and may object to the person as not being impartial or for any reasonable cause; and the court, if it thinks that the objection is reasonable, shall not swear or affirm that person as interpreter or shorthand writer.

98. Evidence, when to be translated.—When any evidence is given in a language which any of the officers composing the court, the judge advocate, the prosecutor or the accused or his defending officer or counsel does not understand, that evidence shall be interpreted to such officer or person in a language which he understands. If an interpreter in such language has been appointed by the convening officer, and duly sworn or affirmed, the evidence shall be interpreted by him. If no such interpreter has been appointed and sworn or affirmed an impartial person shall be sworn or affirmed by the court as required by rule 97. When documents are put in for the purpose of formal proof, it shall be in the discretion of the court to cause as much to be interpreted as appears necessary.

99. Record in proceedings of transactions of courts-martial.—(1) At a court-martial the judge advocate, or, if there is none, the presiding officer, shall record, or cause to be recorded in the English language, all transactions of that court, and shall be responsible for the accuracy of the record (in these rules referred to as the proceedings); and if the judge-advocate is called as a witness by the accused, the presiding officer shall be responsible for the accuracy of the record in the proceedings of the evidence of the judge advocate.

(2) The evidence shall be taken down in a narrative form in as nearly as possible the words used; but in any case where the prosecutor, the accused person, judge advocate or the court consider it material, the question and answer shall be taken down *verbatim*.

(3) Any question which has been objected to, and the tender of any evidence which has been objected to, shall, if the prosecutor or accused so requests, or the court thinks fit, be entered with the grounds of the objection, and the decision of the court thereon.

(4) Where any address by, or on behalf of, the prosecutor or the accused person, is not in writing, it shall not be necessary to record the same in the proceedings further or otherwise than the court thinks proper, except that—

(a) the court shall in every case make such record of the defence made by the accused as will enable the confirming officer to judge of the reply made by, or on behalf, of the accused to each charge against him; and

(b) the court shall also record any particular matters in the address by, or on behalf of, the prosecutor or accused person, which the prosecutor or accused person, as the case may be, requires.

(5) The court shall not enter in the proceedings any comment or anything not before the court, or any report of any fact not forming part of the trial; but if any such comment or report seems to the court necessary, the court may forward it to the proper air force authority in a separate document, signed by the presiding officer.

100. Custody and inspection of proceedings.—The proceedings shall be deemed to be in the custody of the judge advocate (if any), or, if there is none, of the presiding officer, but may, with proper precaution for their safety, be inspected by the members of the court, the prosecutor and accused, respectively, at all reasonable times before the court is closed, to consider the finding.

101. Transmission of proceedings after finding.—The proceedings shall, as required under rule 72 or rule 76 be at once sent by the person having the custody thereof to such person as may be directed by the order convening the court, or, in default of any such direction, to the confirming officer.

Defending Officer, Counsel and Friend of Accused

102. Defending officer and friend of accused.—(1) At any court-martial an accused person may be represented by any officer subject to air force law who shall be called "the defending officer", or assisted by any person whose services he may be able to procure and who shall be called "the friend of the accused".

(2) It shall be the duty of the convening officer to ascertain whether an accused person desires to have a defending officer assigned to represent him at his trial and, if he does so desire, the convening officer shall use his best endeavours to ensure that the accused shall be so represented by a suitable officer. If owing to service exigencies or for any other reason, there shall in the opinion of the convening officer be no such officer available for the purpose, the convening officer shall give a written notice to the presiding officer of the court-martial, and such notice shall be attached to the proceedings.

(3) The defending officer shall have the same rights and duties as appertain to counsel under these rules and shall be under the like obligations.

(4) The friend of the accused may advise the accused on all points and suggest the questions to be put to the witnesses, but he shall not examine or cross-examine the witnesses or address the court.

103. Counsel allowed in certain general and district courts-martial.—(1) Subject to these rules counsel shall be allowed to appear on behalf of the prosecutor and accused at general and district courts-martial if the Chief of the Air Staff, or the convening officer declares that it is expedient to allow the appearance of counsel thereat, and such declaration may be made as regards all general and district courts-martial held in any particular place, or as regards any particular general or district court-martial, and may be made subject to such reservation as to cases on active service or otherwise, as seems expedient.

(2) Save as provided in rule 102, the rules with respect to counsel shall apply only to the courts-martial at which counsel are under this rule allowed to appear.

104. Requirements for appearance of counsel.—(1) Where an accused person gives notice of his intention to have counsel to assist him during the trial, either on the day on which he is informed of the charge or at any time not being less than seven days before the trial, or such shorter time before the trial as in the opinion of the court would have enabled the prosecutor to obtain, if he had thought fit, counsel to assist him during the trial or where such notice is given to the accused on the part of the prosecution, counsel may appear at the court-martial to assist the accused.

(2) If the convening officer so directs, counsel may appear on behalf of the prosecutor, but in that case, unless the notice under sub-rule (1) has been given by the accused, notice of the direction for counsel to appear shall be given to the accused at such time (not in any case less than seven days) before the trial, as would, in the opinion of the court, have enabled the accused to obtain counsel to assist him at the trial.

(3) The counsel, who appears before a court-martial on behalf of the prosecutor or accused, shall have the same right as the prosecutor or accused for whom he appears, to call and orally examine, cross-examine and re-examine witnesses, to make an objection or statement, to address the court, to put in any plea, and to inspect the proceedings and shall have the right otherwise to act in the course of the trial in the place of the person on whose behalf he appears, and he shall comply with these rules as if he were that person, and in such case that person shall not have the right himself to do any of the above matters except as regards the statement allowed by sub-rule (3) of rule 62 or sub-rule (2) of rule 66 or except so far as the court permits him so to do.

(4) When counsel appears on behalf of the prosecutor, the prosecutor, if called as a witness, may be examined and re-examined as any other witness, and clauses (c) and (d) of rule 64 shall not apply.

105. Counsel for prosecution.—The counsel appearing on behalf of the prosecution shall have the same duty as the prosecutor, and is subject to be stopped and restrained by the court in the manner provided by sub-rule (2) of rule 84.

106. Counsel for accused.—The counsel appearing on behalf of the accused has the like rights and is under the like obligations as are specified in sub-rule (3) of rule 84 in the case of accused.

107. General rules as to counsel.—A counsel, whether for the prosecution or for the accused, shall conform strictly to these rules and to the rules of criminal courts in India relating to the examination, cross-examination and re-examination of witnesses, and relating to the duties of counsel.

108. Qualifications of counsel.—(1) Neither the prosecutor nor the accused has any right to object to any counsel if properly qualified.

(2) A counsel shall be deemed to be properly qualified if he is a legal practitioner authorized to practise with right of audience in a Court of Sessions in India, or if he is recognised by the convening officer in any other country where the trial is held as having in that country rights and duties similar to those of such a legal practitioner in India and as being subject to punishment or disability for a breach of professional rules.

109. Statement by accused when defended by counsel or officer.—Notwithstanding the fact that he is represented at the trial by a counsel or an officer subject to military or air force law, an accused may, if he thinks fit, make a statement as provided in sub-rule (3) of rule 62 and sub-rule (2) of rule 66 giving his own account of the subject of the charges against him.

110. Disqualifications of judge advocate.—An officer who is disqualified for sitting on a court-martial, shall be disqualified for acting as judge advocate at that court-martial.

111. Powers and duties of judge-advocate.—The powers and duties of a judge-advocate are as follows:—

- (a) The prosecutor or the accused, is at all times, after the judge-advocate is named to act on the court, entitled to his opinion on any question of law relative to the charge or trial, whether he is in or out of court, subject, when he is in court, to the permission of the court;
- (b) At a court-martial he represents the Judge Advocate General.
- (c) He is responsible for informing the court of any informality or irregularity in the proceedings. Whether consulted or not, he shall inform the convening officer and the court of any informality or defect in the charge, or in the constitution of the court, and shall give his advice on any matter before the court.
- (d) Any information or advice given to the court on any matter before the court shall, if he or the court desires it, be entered in the proceedings.
- (e) At the conclusion of the case he shall, unless both he and the court consider it unnecessary, sum up the evidence and give his opinion upon the legal bearing of the case before the court proceeds to deliberate upon its finding.
- (f) The court, in following the opinion of the judge-advocate on a legal point, may record that it has decided in consequence of that opinion.
- (g) The judge-advocate has, equally with the presiding officer, the duty of taking care that the accused does not suffer any disadvantage in consequence of his position as such, or of his ignorance or incapacity to examine or cross-examine witnesses or otherwise, and may, for that purpose, with the permission of the court, call witnesses and put questions to witnesses, which appear to him necessary or desirable to elicit the truth.
- (h) In fulfilling his duties, the judge-advocate must be careful to maintain an entirely impartial position.

Witnesses and Evidence

112. Calling of all prosecutor's witnesses.—The prosecutor is not bound to call all the witnesses for the prosecution whose evidence is in the summary of evidence or whom the accused has been informed it is intended to call, but should ordinarily call such of them as the accused desires in order that he may cross-examine them.

and shall, for this reason, so far as practicable, secure the attendance of all such witnesses.

113. Calling of witnesses whose evidence is not contained in summary.—If the prosecutor intends to call a witness whose evidence is not contained in any summary given to the accused, notice of the intention shall be given to the accused, a reasonable time before the witness is called; and if such witness is called without such notice having been given, the court shall, if the accused so desires it, either adjourn after taking the evidence of the witness, or allow the cross-examination of such witness to be postponed, and the court shall inform the accused of his right to demand such adjournment or postponement.

114. List of witnesses for accused.—The accused shall not be required to give to the prosecutor or court a list of the witnesses whom he intends to call, but it shall rest with the accused alone to secure the attendance of any witness whose evidence is not contained in the summary, and for whose attendance the accused has not requested steps to be taken as provided by sub-rule (1) of rule 40.

115. Procuring attendance of witness.—The commanding officer of the accused, the convening officer, or after the assembly of the court, the presiding officer, shall take proper steps to procure the attendance of the witnesses whom the prosecutor or accused desires to call, and whose attendance can reasonably be procured, but the person requiring the attendance of a witness may be required to undertake to defray the cost, if any, of their attendance.

116. Procedure when essential witness is absent.—If such proper steps as mentioned in the preceding rule have not been taken as to any witness, or if any witness whose attendance could not reasonably be procured before the assembly of the court is essential to the prosecution or defence, the court shall—

- (a) take steps to procure the issue of a commission for the examination of such witness; or
- (b) adjourn and report the circumstances to the convening officer.

117. Withdrawal of witnesses from court.—During the trial a witness, other than the prosecutor, shall not, except by special leave of the court, be permitted to be present in court while not under examination and if, while he is under examination, a discussion arises as to the allowance of a question, or the sufficiency of his answers or otherwise as to his evidence, he may be directed to withdraw.

118. Oath or affirmation to be administered to witnesses.—An oath or affirmation shall, if so required by the Act, be administered to every witness, before he gives his evidence, by a member of the court, the judge-advocate, or some other person empowered by the court, in one of the following forms or in such other form to the same purport as the court ascertains to be according to the religion or otherwise binding on the conscience of the witness,

Form of Oath

"I,, do swear in the name of God that what I shall state shall be the truth, the whole truth, and nothing but the truth."

Form of Affirmation

"I,, do solemnly affirm that what I shall state shall be the truth, the whole truth, and nothing but the truth."

119. Mode of questioning witness.—(1) Every question shall be put to a witness orally by the presiding officer, the judge-advocate, the prosecutor or the accused person and the witness will forthwith reply, unless an objection is made by the court, judge-advocate, prosecutor, or accused, in which case he shall not reply until the objection is disposed of. The witness shall address his reply to the court.

(2) The evidence of a witness as taken down shall be read to him after he has given all his evidence and before he leaves the court, and shall, if necessary, be corrected.

(3) If the witness denies the correctness of any part of the evidence when the same is read over to him, the court may instead of correcting the evidence, record the objection made to it by the witness.

(4) If the evidence is not given in English and the witness does not understand that language the evidence as recorded shall be interpreted to him in the language in which it was given or in a language which he understands.

120. Question to witness by court or judge-advocate.—(1) At any time before the time for the second address of the accused the presiding officer, the judge advocate and, with the permission of the court, any member of the court may address any question to a witness.

(2) Upon any such question being answered, the officer conducting the proceeding shall also put to the witness any question relative to that answer which he may be requested to put by the prosecutor or the accused, and which the court deems reasonable.

121. Recalling of witnesses and calling of witnesses in reply.—(1) At the request of the prosecutor or accused person, a witness may, by leave of the court, be recalled at any time before the time for the second address of the accused, for the purpose of having any question put to him through the officer conducting the proceedings.

(2) A witness may, in special cases, be allowed by the court to be called or recalled by the prosecutor before the time for the second address of the accused, for the purpose of rebutting any material statement made by a witness for the defence upon his examination by the accused on any new matter which the prosecutor could not reasonably have foreseen.

(3) Where the accused has called witnesses to character, the prosecutor, before the time for the second address of the accused, may call or recall witnesses for the purpose of proving a previous conviction or entries in the service records against the accused.

(4) The court may call or recall any witness at any time before the finding if it considers that it is necessary for the ends of justice.

Addresses

122. Addresses may be in writing.—Addresses by the prosecutor and the accused and the summing up of the judge advocate may either be given orally or be in writing, and, if in writing, shall be read in open court.

Insanity

123. Provisions as to finding of insanity.—Where the court finds either that the accused is of unsound mind and consequently incapable of making his defence or that he committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, the presiding officer shall date and sign the finding and the proceedings, upon being signed by the judge-advocate if any, shall be at once transmitted to the confirming officer.

Preservation of Proceedings

124. Preservation of Proceedings.—The proceedings of a court-martial shall after promulgation be forwarded, as circumstances require, to the office of the Judge Advocate General and there preserved for not less, in the case of a general court-martial, than seven years, and in the case of any other court-martial, than three years.

125. Right of person tried to copies of proceedings.—Every person tried by a court-martial shall be entitled on demand, at any time after the confirmation of the finding and sentence and before the proceedings are destroyed, to obtain free of cost from the officer or person having the custody of the proceedings, a copy thereof, including the proceedings upon revision, if any.

126. Copy of proceedings not to be given in certain cases.—Notwithstanding anything contained in rule 125, if the Central Government certifies that it is

against the interest or the security of the State or friendly relations with foreign States to supply a copy of the proceedings or any part thereof under the said rule, he shall not be furnished with such copy:

Provided that if the Central Government is satisfied that the person demanding the copy is desirous of submitting a petition in accordance with the Act or instituting any action in a court of law in relation to a finding or sentence, it shall permit inspection of the proceedings by such person or his legal adviser, if any, on the following conditions, namely:—

- (a) the inspection shall be made at such times and such places as the Central Government or any authority authorised by it may direct, and
- (b) the person allowed to inspect the proceedings shall, before such inspection furnish—
 - (i) an undertaking, in writing, that he shall not make copies of the proceedings or any part thereof and that the information or documents contained in such proceedings shall not be used by him, for any purpose whatsoever other than for the purpose of submitting a petition in accordance with the Act or instituting any action in a court of law in relation to the said finding or sentence; and
 - (ii) a certificate that he is aware that he may render himself liable to prosecution under sections 3 and 5 of the Indian Official Secrets Act, 1923 (19 of 1923), if he commits any act specified in the said sections in relation to the documents or information contained in the said proceedings.

127. **Loss of proceedings.**—(1) If before confirmation the original proceedings of a court-martial, or any part thereof, are lost, a copy thereof, if any, certified by the presiding officer or the judge advocate at the court-martial may be accepted in lieu of the original.

(2) If there is no such copy, and sufficient evidence of the charge, finding, sentence, and transactions of the court can be procured, that evidence may, with the consent of the accused, be accepted in lieu of the original proceedings, or part thereof lost.

(3) In any case mentioned above the finding and sentence may be confirmed, and shall be as valid as if the original proceedings, or part thereof, had not been lost.

(4) If the proceedings, or part thereof, were lost before confirmation, and there is no such copy or evidence, or the accused refuses such consent as mentioned above, the accused may be tried again, and on the issue of an order convening the court for the trial, the finding and sentence of the previous court, of which the proceedings were so lost, shall be null.

(5) If, after confirmation, the original proceedings of a court-martial or any part thereof are lost and there is sufficient evidence of the charge, finding, sentence, and transactions of the court, and of the confirmation of the finding and sentence, that evidence shall be valid and sufficient record of the trial for all purposes.

Irregular Procedure When no Injustice is Done

128. **Validity of irregular procedure in certain cases.**—Whenever it appears that a court-martial had jurisdiction to try any person and make a finding and that there is legal evidence or a plea of guilty to justify such finding, such finding and any sentence which the court-martial had jurisdiction to pass thereon may be confirmed, and shall, if so confirmed, be valid notwithstanding any deviation from these rules, or notwithstanding that the charge-sheet has not been signed by the commanding officer or the convening officer, provided that the charges have, in fact, before trial been approved by the commanding officer and the convening officer, or notwithstanding any defect or objection, technical or other unless it appears that any injustice has been done to the offender, and where any finding and sentence are otherwise valid they shall not be invalid by reason only of a failure to administer an oath or affirmation to the interpreter or shorthand writer; but nothing in this rule shall relieve an officer from any responsibility for any wilful or negligent disregard of any of these rules.

Offences of Witnesses and Others

129. Offences of witnesses and others.—When any court-martial is of opinion that there is ground for inquiring into any offence specified in sections 59 and 60 of the Act and committed before it or brought under its notice in the course of its proceedings, or into any act done before it or brought under its notice, in the course of its proceedings which would if done by a person subject to the Act, have constituted such an offence, such court-martial may proceed as follows, that is to say—

- (a) if the person who appears to have committed the offence is subject to the Act, the court may bring his conduct to the notice of the proper air force authority and may also order him to be placed in air force custody with a view to his punishment by an officer exercising authority under section 82 or section 86 or to his trial by court-martial;
- (b) if the person who appears to have done the act is subject to the Army Act, 1950 or the Navy Act, 1957, the court may bring his conduct to the notice of the proper military or naval authority;
- (c) if the person who appears to have done the act is not subject to military, naval or air force law, than in the case of acts which would, if done by a person subject to the Act, have constituted an offence under clause (a), clause (b), clause (c) or clause (d) of section 59 the officer who summoned the witness to appear or the presiding officer of the court-martial, as the case may be, may forward a written complaint to the nearest Magistrate of the first class having jurisdiction, and in the case of acts which would, if done as aforesaid, have constituted an offence under clause (e) of section 59 or under section 60, the court, after making any preliminary inquiry that may be necessary, may send the case to the nearest Magistrate of the first class having jurisdiction for inquiry or trial in accordance with section 476 of the Code of Criminal Procedure, 1898 (8 of 1898).

SECTION 3.—Summary General Courts-Martial

130. Convening the court and record of proceedings.—(1) The court may be convened and the proceedings of the court recorded in accordance with Form F.3 in the Sixth Schedule, with such variations as the circumstances of each case may require.

(2) The officer convening the court shall appoint or detail the officers to form the court, and may also appoint or detail such officers as waiting members as he thinks expedient. Such officers should have held commissions for not less than one year, but if any officers, who have held commission for not less than three years, are available they shall be selected in preference to officers of less service.

(3) A provost-marshal, assistant provost-marshal or officer who is a prosecutor or witness for prosecution shall not be appointed a member of the court.

131. Charge.—The statement of an offence may be made briefly in any language sufficient to describe or disclose an offence under the Act.

132. Trial of several accused persons.—The court may be sworn, at the same time to try any number of accused persons than present before it, but, except as provided in rule 41, the trial of each accused person shall be separate.

133. Challenges.—(1) The names of the presiding officer and members of the court shall be read over to the accused who shall thereupon be asked if he objects to be tried by any of these officers.

(2) Any objection shall be decided as provided for in section 129 and rule 52, the vacancies being filled from among the waiting members, if any, or by fresh members being appointed by the convening officer.

134. Swearing or affirming the court, judge-advocate etc.—The provisions of rules 53, 54 and 55 relating to administering and taking of oaths and making of affirmations shall apply to every Summary general court-martial.

135. Arraignment.—When the court is sworn or affirmed, the judge-advocate, if any, or the presiding officer shall inform the accused then to be tried, the offence with which he is charged, if necessary, with an explanation giving him full information of the act or omission with which he is charged, and shall ask of the accused whether he is guilty or not of the offence.

136. Plea to jurisdiction.—If a special plea to the general jurisdiction is offered by the accused, and is considered by the court to be proved, the court shall report the same to the convening officer.

137. Evidence.—(1) The witnesses for the prosecution will be called and the accused shall be allowed to cross-examine them and to call any available witnesses for his defence.

(2) An oath or affirmation as laid down in rule 118 shall be administered to every witness, if so required by the Act, before he gives his evidence, by one of the persons specified in that rule.

138. Defence.—(1) The accused shall be asked what he has to say in his defence and shall be allowed to make his defence. He may be allowed to have any person to assist him during the trial, whether a legal adviser or any other person.

(2) The court, or the judge-advocate, if any, may question the accused for the purpose of enabling him to explain any circumstances appearing in his statement or in the evidence against him. The accused shall not render himself liable to punishment by refusing to answer such questions or by giving answers to them which he knows not to be true, but the court may draw such inference from such refusal or answers as it thinks fit.

139. Record of the evidence and defence.—(1) The judge-advocate, if any, or the presiding officer shall take down or cause to be taken down a brief record of the evidence of the witnesses at the trial and of the defence of the accused; the record so taken down shall be attached to the proceedings:

Provided that if it appears to the convening officer that exigencies of the service or other circumstances prevent compliance with this provision, he may direct that the trial may be carried on without any such brief record being taken down.

(2) If the accused pleads "guilty" the summary of evidence, if any, may be read and attached to the proceedings, and it shall not be necessary for the court to hear witnesses for the prosecution respecting matters contained in the summary of evidence so read.

140. Finding and sentence.—The court shall then be closed to consider its finding. If the finding on any charge is "guilty" the court may receive any evidence as to previous convictions and character which is available. The court shall then deliberate in closed court as to its sentence.

141. Adjournment.—(1) A summary general court-martial may adjourn from time to time and from place to place and may when necessary inspect any place.

(2) The proceedings shall be held in open court, in the presence of the accused, except on any deliberation among the members, when the court may be closed.

142. Application of rules.—The rules specified in the Table below shall, so far as practicable, apply to Summary General Courts-Martial as if Summary Courts-Martial were District Courts-Martial.

Table

Rule	24	: Disposal of the charge or adjournment for taking down the summary of evidence.
"	25	: Remand of accused.
"	26	: Application of rules 24 and 25 to officers exercising powers of a commanding officer.
"	39	: Opportunity for accused to prepare defence.
"	40	: Warning of accused for trial.
"	42	: Suspension of rules on the grounds of the exigencies of the service or the necessities of discipline.

- 44 : Adjournment for insufficient number of officers.
- 57 : Objection by accused to the charge.
- 59 : Special plea to the jurisdiction.
- 60 : General plea of "guilty" or "not guilty".
- 61 : Plea in bar.
- 62 : Procedure after plea of "guilty".
- 63 : Withdrawal of plea of "not guilty".
- 70 : Consideration of finding.
- 71 : Form and record of finding.
- 72 : Procedure on acquittal.
- 73 : Procedure on conviction.
- 74 : Sentence.
- 75 : Recommendation to mercy.
- 76 : Signing and transmission of proceedings.
- 77 : Revision.
- 78 : Promulgation.
- 79 : Mitigation of sentence on partial confirmation.
- 80 : Confirmation notwithstanding informality in or excess of punishment.
- 81 : Member or prosecutor not to confirm proceedings.
- 83 : Responsibility of presiding officer.
- 84 : Power of court over address of prosecutor and accused.
- 85 : Procedure on trial of accused persons together.
- 87 : Sitting in closed court.
- 90 : Suspension of trial.
- 91 : Proceedings on death or illness of the accused.
- 92 : Death, retirement or absence of Presiding Officer.
- 93 : Presence of members during trial.
- 100 : Custody and inspection of proceedings.
- 101 : Transmission of proceedings after finding.
- 102 : Defending officer and friend of accused.
- 110 : Disqualification of judge advocate.
- 111 : Powers and duties of judge advocate.
- 123 : Provisions as to finding of insanity.
- 124 : Preservation of proceedings.
- 125 : Right of person tried to copies of proceedings.
- 126 : Copy of proceedings not to be given in certain cases.
- 127 : Loss of proceedings.
- 128 : Validity of irregular procedure in certain cases.
- 129 : Offences of witnesses and others.

143. Evidence of opinion of convening officer.—Any statement in an order convening a summary general court-martial as to the opinion of the convening officer shall be conclusive evidence of that opinion, but this rule shall not prejudice the proof at any time of any such opinion when not so stated.

SECTION 4—Execution of sentences

144. Committal warrant—A warrant for the committal of a person to a civil prison, or to a military or an Air Force prison or to detention barracks under the provisions of section 165, section 166 or section 170 shall be in the relevant Form given in the Seventh Schedule. Such warrant shall be signed and forwarded by the commanding officer of the prisoner or by an officer superior in command to such commanding officer or by any staff officer of such superior officer.

145. Warrants under section 171.—(1) Every warrant issued under section 171 shall be in the relevant Form given in the Seventh Schedule, and shall be signed by the officer making the order in pursuance of which such warrant is issued, or by his staff officer.

(2) The prescribed officer for the purpose of forwarding the warrant under section 171 shall be the officer commanding the unit or detachment to which the person belongs or is attached.

146. Sentence of cashiering or dismissal.—(1) A sentence of cashiering awarded by a court-martial shall take effect from the date on which the sentence is promulgated to the person under sentence:

Provided that when cashiering is not combined with imprisonment or death and the confirming officer has specified a date for cashiering to take effect, the

cashing shall take effect from the date of promulgation or from the date so specified, whichever is later.

(2) A sentence of dismissal awarded by a court-martial shall take effect from the date on which the sentence is promulgated to the person under the sentence, or from such subsequent date as may be specified by the commanding officer at the time of such promulgation:

Provided that where dismissal is combined with imprisonment or detention which is carried out in a military or air force prison, or in military or air force detention barracks, detention cells or other military or air force custody, or with field punishment, the dismissal shall not take effect until the date on which the prisoner is duly released from such military or air force prison or military or air force detention barracks, detention cells or other military or air force custody, or until the completion of the field punishment, unless such field punishment is remitted by competent authority:

Provided further that, when dismissal is combined with imprisonment which is carried out in a civil prison, the dismissal shall not take effect until the date on which the prisoner is received in the civil prison.

147. Custody of person under sentence of death.—(1) Notwithstanding anything contained in rule 22, when a person is sentenced by court-martial to suffer death, the commanding officer for the time being of such person may, if he thinks fit, by a warrant in the relevant form in the Seventh Schedule, commit the said person for safe custody in an air force, military or civil prison or in air force or military detention barracks pending confirmation or the carrying out of the sentence.

(2) Where a person under sentence of death is in air force custody, or in air force prison or detention barracks, the rules, regulations and orders (other than those relating to work and training) governing such custody, prison or detention barracks shall, subject to the following provisions, apply to him, namely:—

- (a) he shall be deprived of every article which it might be dangerous or inexpedient to leave in his possession;
- (b) he shall be confined in a separate cell and kept apart from all other persons under sentence of death, imprisonment or detention, or in custody;
- (c) he shall be kept by day and by night in the constant charge of two officers, warrant officers or non-commissioned officers;
- (d) he shall not be requested to perform any duties other than to keep clean his person and cell;
- (e) he shall be allowed daily physical exercise;
- (f) he shall be granted facilities to correspond with his relatives, friends and legal advisers;
- (g) he shall be permitted to smoke;
- (h) he shall be visited once daily by the commanding officer or the commandant of the unit, prison or detention barracks as well as by the medical officer;
- (i) he shall not be visited by any person other than a member of the staff on duty unless prior permission in writing has been given by the confirming authority or an authority specified by the confirming authority in his behalf;
- (j) where the confirming authority or the officer specified by it in this behalf has given a written permission to any person other than a member of the staff on duty to visit the person sentenced to death, the visit shall take place in the sight of a member of the staff, and unless the confirming authority or the specified officer orders otherwise, in the hearing of a member of the staff.

Explanation.—In this rule reference to “a member of the staff” means a member of the staff of the air force unit, prison or detention barracks in which the person under sentence has been held in custody.

148. Opportunity for petition against sentence of death.—(1) While confirming a sentence of death, the confirming authority shall specify the period within which the person sentenced may, after the sentence has been promulgated to him, submit a petition against the finding or sentence against him of the court-martial.

(2) The person against whom a sentence of death has been confirmed shall, at the time of promulgation, be informed of his rights under sub-section (2) of section 161 and of the period specified by the confirming authority within which he may, if he so wishes to do, submit a petition against the finding or sentence against him of the court-martial.

(3) Every petition against a finding or sentence submitted by a person against whom a sentence of death has been confirmed, and every order in respect of such petition shall be transmitted, where the confirming authority is the Chief of the Air Staff or the Central Government, through the Air officer incharge Administration at the Air Headquarters and in any other case, through the confirming officer.

(4) A sentence of death shall not be carried into effect until the expiry of the period specified by the confirming authority under sub-rule (1) or if, within the period so specified, the person under sentence submits a petition against the finding or sentence of the court-martial, until the authority legally competent to dispose of such petition finally, after considering the petition, orders that the sentence of death may be carried into effect.

149. Death warrant.—(1) The officer commanding the air force station to which the person sentenced belongs or is attached, or where there is no such air force station, the air or other officer commanding the command or the group to which such person belongs or is attached shall nominate a provost-marshal or other officer not below the rank of Squadron Leader who shall be responsible for the due execution of the sentence of death passed under the Act, and shall issue to such officer the death warrant in the relevant form contained in the Seventh Schedule.

(2) The officer specified in sub-rule (1) shall not issue the death warrant until he is satisfied that having regard to the provisions of rule 148, the sentence of death may be carried into effect.

(3) No sentence of death passed under the Act shall be carried into effect until the death warrant has been received by the provost-marshal or other officer nominated under sub-rule (1).

150. Execution of sentence of death.—(1) On receipt of the death warrant, the provost-marshal or other officer, nominated under sub-rule (1) of rule 149 shall:—

- (a) inform the person sentenced as soon as possible of the date on which the sentence will be carried out;
- (b) if the person sentenced has been committed to an air force, military or civil prison or to air force or military detention barracks, obtain the custody of his person by issuing a warrant in the relevant form contained in the Seventh Schedule;
- (c) proceed to carry out the sentence as required by the death warrant and in accordance with any general or special instructions which may from time to time be given by or under the authority of the Chief of the Air Staff.

(2) During the execution of a sentence of death passed under the Act, no person, except those specified below, shall be present without the authority of the officer who issued the death warrant. The following persons shall attend the execution of the sentence of death:—

- (a) the provost-marshal or other officer who is responsible for the due execution of the sentence in accordance with these rules;
- (b) a commissioned medical officer of the armed forces of the Union;
- (c) an officer nominated by the officer who issued the death warrant, who is able to identify the person under sentence as the person described in the death warrant and as the person who was tried and sentenced by the court-martial mentioned therein;

- (d) such non-commissioned officers as may be detailed by the provost-marshal or the other officer aforesaid for escort and security purposes or to assist at the execution;
 - (e) if the execution is carried into effect in an air force unit or station, the officer for the time being in command of such station or unit.
- (3) After the sentence of death has been carried into effect, the provost-marshal or other officer nominated under sub-rule (1) of rule 149 shall complete or cause to be completed parts II and III of the death warrant, and shall, without unnecessary delay return the completed death warrant to the officer who had issued the same to him.

151. Procedure on pardon, or where proceedings are set aside or where sentence of death is commuted or remitted.—Where a person sentenced to death is pardoned, or where the proceedings against him are set aside under the Act or where the sentence of death is not confirmed or is commuted or remitted under the Act, then—

- (a) if he is in custody in an air force, military or civil prison, or in an air force or military detention barracks under a warrant issued under rule 147, a further warrant in the relevant form given in the Seventh Schedule shall be issued by the commanding officer of such person; or
- (b) if he has been detained in air force custody he shall be released or, as the case may be, any warrant which may be necessary to give effect to the sentence as so commuted or remitted shall be issued by such commanding officer.

152. Field Punishment.—(1) A court-martial or an officer exercising authority under section 82 may, for the purpose of awarding field punishment under the Act, sentence an offender for a period not exceeding, in the case of a court-martial, three months, and in the case of such an officer, twenty-eight days, to one of the following punishments, namely:—

- (a) field punishment No. 1.
- (b) field punishment No. 2.

(2) Where an offender is sentenced to field punishment No. 1, he may, during the continuance of his sentence unless the court-martial or the officer, as the case may be, otherwise directs, be punished as follows:—

- (a) he may be kept in irons, that is to say, in fetters or hand-cuffs or both fetters and hand-cuffs, and may be secured so as to prevent his escape,
- (b) when in irons, he may be attached for a period or periods not exceeding two hours in any one day to a fixed object, but he must not be so attached during more than three out of any four consecutive days, nor during more than twenty one days in all.

Explanation.—(1) The offenders must be attached so as to be standing firmly on his feet which, if tied, must not be more than twelve inches apart, and it must be possible for him to move each foot at least three inches. If he is tied round the body there must be no restriction of his breathing. If his arms or wrists are tied, there must be six inches of play between them and the fixed object. His arms must hang either by the side of his body or behind his back.

Explanation (2).—For the purpose of this punishment, irons should be used when available, but straps or ropes may be used in lieu of them when necessary. Any straps or ropes used for the purpose must be of sufficient width to inflict no bodily harm, and leave no permanent mark on the offender.

- (c) He may be subjected to the like labour, employment and restraint and dealt with in like manner as if he were undergoing a sentence of rigorous imprisonment.

(3) Where an offender is sentenced to field punishment No. 2, the provisions of sub-rule (2) with respect to field punishment No. 1 shall apply in his case except that he shall not be liable to be attached to a fixed object as provided in clause (b) of that sub-rule.

(4) Every portion of a field punishment shall be inflicted in such a manner as is calculated not to cause injury or leave any permanent mark on the offender; and a portion of a field punishment must be discontinued upon a report by a responsible Medical Officer that the continuance of that portion would be prejudicial to the offender's health.

(5) Field punishment shall be carried out within the unit to which the offender belongs or is attached so long as that unit is actually on the move, but when the unit is halted at any place where there is a provost-marshal or any other officer appointed by the commander of the forces or the air forces in the field to execute such punishment, the punishment shall be carried out under the orders of such officer.

(6) When the unit to which the offender belongs or is attached is actually on the move, an offender awarded field punishment No. 1 shall be exempt from the operation of clause (b) of sub-rule (2) but all offenders awarded field punishment shall march with their unit, carry their arms and equipment, perform all their air force duties as well as extra fatigue duties, and be treated as defaulters.

153. Nature of punishment of detention.—A sentence of detention awarded by a court-martial or by an officer exercising authority under section 82 may be carried out—

(a) in a military or air force detention barrack;

(b) in a barrack detention room under the control of a military or air force unit;

(c) on active service, when the unit is halted at any place where there is a provost-marshal, under the orders of such officer.

CHAPTER VI—Courts of Inquiry

154. General.—(1) A court of inquiry is an assembly of officers or of officers and warrant officers directed to collect evidence, and if so required, to report with regard to any matter which may be referred to them.

(2) A court of inquiry may be assembled by the officer in command of any unit or portion of the Air Force.

(3) The court may consist of any number of officers of any rank or of one or more officers together with one or more warrant officers. The members of the court may belong to any branch or department of the service, according to the nature of the investigation.

(4) Previous notice shall be given of the time and place of the meeting of a court of inquiry, and of all adjournments of the court, to all persons concerned in the inquiry (except a prisoner of war who is still absent).

(5) It is the duty of a court of inquiry to put such questions to a witness as it thinks desirable for testing the truth or accuracy of any evidence he has given and otherwise for eliciting the truth.

(6) The whole of the proceedings of a court of inquiry shall be forwarded by the presiding officer to the officer who assembled the court.

(7) The court may be reassembled as often as the officer who assembled the court may direct, for the purpose of examining additional witnesses, or further examining any witnesses, or recording further information.

155. Courts of inquiry under Section 107 for the purpose of determining the illegal absence of persons subject to the Act.—(1) A Court of Inquiry under section 107 shall, when assembled, require the attendance of such witnesses as it thinks sufficient to prove the absence and other facts specified as matter of inquiry in that section.

(2) The court of inquiry shall take down the evidence given by them in writing and at the end of proceedings shall make a declaration of the conclusions at which it has arrived in respect of the facts it is assembled to inquire into.

(3) The court of inquiry shall examine all witnesses who may be desirous of coming forward on behalf of the absentee, and shall put such questions to them as may be desirable for testing the truth or accuracy of any evidence they have given, and otherwise for eliciting the truth, and the court in making its declaration shall give weight to the evidence of all such witnesses.

(4) The court of inquiry shall administer the same oath or affirmation to the witnesses as if the court were a court-martial, but the members of such court shall not themselves be sworn or affirmed.

(5) The commanding officer of the unit to which the absent person belongs shall enter in the court-martial book of the unit a record of the declaration of the court, and the original proceedings will be destroyed.

(6) Any person, the subject of the inquiry, shall be entitled to a copy of the declaration of the court, to be supplied by the person having custody of the court-martial book, on payment at the rate laid down in sub-rule (7) of rule 156.

156. Courts of inquiry other than those held under section 107.—(1) The court shall be guided by the written instructions of the authority which assembled the court. The instructions shall be full and specific, and shall state the general character of the information required. They shall also state whether a report is required or not.

(2) Save in the case of a prisoner of war who is still absent, whenever any inquiry affects the character or service reputation of a person subject to the Act, full opportunity must be afforded to such person of being present throughout the inquiry and of making any statements and of giving any evidence he may wish to make or give, and of cross-examining any witness whose evidence, in his opinion, affects his character or service reputation, and producing any witnesses in defence of his character or service reputation.

(3) When a court of inquiry is held on prisoners of war, and in any other case in which the officer who assembled the court has so directed, the evidence shall be taken on oath or affirmation, in which case the court shall administer the same oath or affirmation to witnesses as if the court were a court-martial.

(4) The officer who assembled the court shall, when the court is held on a returned prisoner of war or on a prisoner of war who is still absent, direct the court to record its opinion whether the person concerned was taken prisoner through his own wilful neglect of duty, or whether he served with or under, or aided the enemy; he shall also direct the court to record its opinion in the case of a returned prisoner of war, whether he returned as soon as possible to the service, and in the case of prisoner of war still absent, whether he failed to return to the service when it was possible for him to do so. The officer who assembled the court shall also record his own opinion on these points. In other cases, the court shall give no opinion on the conduct of any person unless so directed by the officer who assembled the court.

(5) The members of the court shall not themselves be sworn or affirmed, but when the court is a court of inquiry on recovered prisoners of war, the members shall make the following declaration:—

"I, A B, do declare upon my honour that I will duly and impartially inquire into and give my opinion as to the circumstances in which became a prisoner of war, according to the true spirit and meaning of the rules and regulations made under the Air Force Act, 1950, and I do further declare, upon my honour, that I will not on any account or at any time, disclose or discover my own vote or opinion, or that of any particular member of the court, unless required to do so by competent authority."

(6) The proceedings of a court of inquiry, or any confession or statement or answer to a question made or given at a court of inquiry, shall not be admissible in evidence against a person subject to Air Force Law, nor shall any evidence respecting the proceedings of the court be given against any such person except upon the trial of such person for wilfully giving false evidence before that court.

(7) Any person subject to the Act who is tried by court-martial in respect of any matter or thing which has been reported on by a court of inquiry, and unless the Chief of the Air Staff sees reason to order otherwise, any person so subject whose character or service reputation is, in the opinion of the said Chief of the Air Staff, affected by anything in the evidence before or in the report of a court of inquiry, shall be entitled to a copy of the proceedings of the court, including any report made by the court, on payment for the same of a sum not exceeding fifty paise for every two hundred words, or part thereof.

157. **Imposition of collective fines under section 90.**—(1) The officer commanding a unit or detachment, shall, on receipt of the proceedings of the court of inquiry into a loss or theft of weapons, record his opinion on the loss or theft, and they impose, for each weapon or part of a weapon lost or stolen, collective fines, to the extent hereunder specified, on the warrant officers, non-commissioned officers and airmen of such unit or detachment or upon so many of them as he considers should be held responsible for occurrence:—

	Rs. P.
<i>Gun Machine Bren 303 in.</i>	1,200'00
Block Breech	82'00
Barrel	100'00
Magazine	15'50
<i>Gun Machine Cal. 303 Browning</i>	3,600'00
Block Breech	600'00
Barrel	120'00
<i>Gun Machine Cal. 50 Browning</i>	4,800'00
Block Breech	660'00
Barrel	180'00
<i>Gun Machine Stem 9 mm.</i>	95'00
Block Breech	16'75
Barrel	15'50
Discharger Grenade	42'00
Projector Grenade	15'00
Pistol	130'00
<i>Rifle</i>	170'00
Bolt	25'00
Bayonet	12'00
<i>Ordinance ML in Mortar</i>	860'00
Barrel	480'00
Base Plate	110'00
Grenade	18'00
Signal Pistol	93'25
<i>Gun Hispano 20 mm.</i>	15,000'00
Block Breech	42'00
Barrel	11,200'00
Belt Feed Mechanism	375'00
Gun Shot 12 Bore Single Barrel	140'50
Gun Shot 12 Bore Double Barrel	175'00
Rifles	164'25

(2) Such fine shall be assessed as a percentage on the pay of the individuals on whom it falls.

CHAPTER VII—*Prescribed Authorities, Officers and other Matters*

158. Conditions prescribed under section 4 (xxiii) (b).—For the purposes of the Act and these rules, the expression "officer", in relation to a person subject to the Act, includes a person gazetted, commissioned or in pay as an officer of the regular Army or the Navy, as the case may be, when the person subject to the Act is serving under any of the following conditions, namely:—

- (a) when he has been placed under the orders of such officer;
- (b) when he is being conveyed in or is on board a vehicle, vessel or aircraft which is being commanded by such officer;
- (c) when he is serving in or is a patient in a hospital or medical establishment in which such officer is on duty;
- (d) when he forms part of or is serving with a body of the Air Force which is acting with a body of the regular Army or the Navy, and any one of these bodies is on active service;
- (e) when he forms part of or is serving with a body of the Air Force acting in an emergency with a body of the regular Army or the Navy and an order in writing is made by the officer commanding that body of the Air Force that an emergency exists and it is necessary for the officers of the regular Army or the Navy, as the case may be, to exercise command over persons subject to the Act;

NOTE:—A copy of every such order shall forthwith be sent to the Central Government;

- (f) when he is serving in any place in which or with any body of the Air Force with which, there is present any officer of the regular Army or the Navy and the Central Government has by special order declared that it is necessary for the officers of the regular Army or the Navy to exercise command over persons subject to the Act in that place or with that body of the Air Force.

159. Conditions prescribed under section 4 (xxvii).—When a person subject to the Act has been placed under the orders of an officer, junior commissioned officer, warrant officer, petty officer or non-commissioned officer of the regular Army or the Navy, such officer, junior commissioned officer, warrant officer, petty officer or non-commissioned officer, as well as those other officers, junior commissioned officers, warrant officers, petty officers or non-commissioned officers of the regular Army or the Navy who are directly superior in command to such officer, junior commissioned officer, warrant officer, petty officer or non-commissioned officer shall for the purposes of the Act and these rules be superior officers in relation to such persons.

160. Prescribed officer under section 7(1).—The prescribed officer for the purposes of sub-section (1) of section 7 shall be the officers commanding a station, wing, squadron or unit, nominated in this behalf by the Air or other officer commanding the command or group in which the person is for the time being serving.

161. Prescribed officer under section 80.—The prescribed officer for the purposes of section 80 shall be the officer commanding the Forces in the field, or the air or other officer commanding the Command, group, or in the field any detached portion of the air force, in which the trial was held, or any officer superior in command to such air or other officer.

162. Prescribed officer under section 92(1).—The prescribed officer for the purposes of clause (i) of section 92 shall be the Chief of the Air Staff.

163. Prescribed officer under section 94 of the Act.—The prescribed officer for purposes of section 94 shall, in the case of an officer or a warrant officer, be the Chief of the Air Staff and, in the case of a person other than an officer or a warrant officer, be the officer empowered to convene a court-martial for his trial.

164. Prescribed authority under section 98.—Any penal deduction from the pay and allowances of a person subject to the Act, made under chapter VIII thereof, may be remitted as provided below—

- (a) the Central Government may remit to any extent any penal deduction from the pay and allowances of any person.

- (b) where an airman absents himself without leave for a period not exceeding five days, the officer who is in command of the unit, for which he absented himself, at the time when such absence terminates, or the Chief of the Air Staff may, if a satisfactory explanation is given by such airman, remit in whole or in part the forfeiture of pay and allowances to which that absence renders him liable provided that the airman is not convicted by a court-martial on a charge for such absence.
- (c) A forfeiture of pay and allowances incurred by any person subject to the Act owing to his absence as a prisoner of war may in whole or in part be remitted by the Chief of Air Staff or by the officer commanding the air forces in the field, except when such forfeiture has been ordered by the Central Government under clause (h) of section 91.

165. Prescribed authorities under sections 99 and 100.—(1) The prescribed authorities for the purposes of sections 99 and 100 shall be the officer commanding the air forces in the field under whom the person was serving at the time he became a prisoner of war or was found missing, or the Director of Personal Services, Air Headquarters, or any authority superior either to the said officer commanding or the said Director.

(2) Any such authority may, in its discretion and subject to a maximum of 50 per cent of the pay and allowances of the prisoner of war or the person missing, make such provisions from time to time for the dependents of the prisoner of war or the person missing, as the case may be, for whom in its judgment such provision should be made.

166. Prescribed officers under section 108(1).—The following shall be the prescribed officers for the purposes of sub-section (1) of section 108, namely:—

- (a) an air or other officer commanding a command may appoint any person subject to the Act and serving under him, to exercise the powers of a provost-marshal in relation to the persons serving under his command;
- (b) the Air Officer incharge of Administration at the Air Headquarters may appoint any person subject to the Act serving in the Air Headquarters or the units directly under the Air Headquarters to exercise the powers of a provost-marshal in relation to all persons serving in the Air Headquarters and such units;
- (c) an officer commanding the air forces in the field may appoint any person subject to Act and serving under him to exercise the powers of a provost-marshal in relation to such air forces.

167. Prescribed officers under section 124.—The prescribed officers for the purposes of section 124 shall be the air or other officer commanding the command or the officer commanding the Forces or the air forces in the field, under whom the accused person is serving.

168. Prescribed officer under section 141(1).—The prescribed officer for the purposes of sub-section (1) of section 141 shall be the officer commanding the unit to which the person appears to have belonged, or alleges that he belongs or had belonged, but:—

- (a) in the case of officers, the Director of Personnel (Officers); and
- (b) in the case of airmen, Officer Commanding, Air Force Record Office, shall also be the prescribed officer.

169. Manner of custody under section 144(4).—For the purposes of sub-section (4) of section 144, the accused shall be confined in such manner as may, in the opinion of the proper air force authority, be best calculated to keep him securely without unnecessary harshness.

170. Prescribed officer under section 145.—The prescribed officer for the purposes of section 145 shall be the Chief of the Air Staff or the air or other officer who has powers to convene a court-martial for the trial of the accused person.

171. Prescribed officer under section 161(2).—The prescribed officer for the purposes of sub-section (2) of section 161 shall be any officer superior in command to the officer who confirmed the proceedings, provided that he has powers not less than that of an air officer commanding a command.

172. **Prescribed officer under section 162 and annulment of proceedings.**—(1) The prescribed officer for the purposes of section 162 shall be any officer superior in command to the officer who confirmed the proceedings.

(2) The proceedings of any court-martial may be annulled under the said section after considering the advice of the Chief Legal Adviser or Deputy Chief Legal Adviser.

173. **Prescribed officer under section 166(1).**—The prescribed officer for the purposes of sub-section (1) of section 166 shall be any officer superior in command to the officer who confirmed the proceedings.

174. **Prescribed officer under section 177.**—The prescribed officer for the purposes of section 177 shall be the air or other officer commanding a command but in relation to persons convicted on active service, the officer commanding the air forces in the field shall also be the prescribed officer.

AIR FORCE RULES, 1968

FIRST SCHEDULE

(See rule 7)

FORM A—I. *Form of Enrolment as combatant*

AIR FORCE

FORM OF ENROLMENT AS COMBATANT

The prescribed periods for which persons shall be enrolled are stated in the appropriate orders of the Government, and save as is hereinafter provided, no person shall by reason of an error in his enrolment paper or otherwise be compelled to serve for a period longer than that for which he should have been enrolled though he may do so voluntarily provided his services are required.

ENROLMENT OF

No. Name (in block letters)
 98 a. in the Air Force.

PART I

(Questions to be put before enrolment)

You are warned that if after enrolment, it is found that you have given a willfully false answer to any of the first thirteen or the following questions you will be liable to be punished as provided in the Air Force Act, 1954.

(ALL THE ANSWERS ARE TO BE WRITTEN IN BLOCK LETTERS)

Questions.

1. What is your name ?

(underline surname)

2. (a) What is your place of birth?

State Village/Town, District and State, of birth

(b) What is your date of birth?

(State in Christian Era.

(N. B. : To support the date of birth the person being enrolled will be required to produce in original, together with an attested copy, one of the certificates specified in Government orders from time to time).

3. What is your permanent home address ?
 - (a) Village/Town.
 - (b) Thana.
 - (c) Pergunnah/Tehsil.
 - (d) District/Taluka.
 - (e) State.
 4. (a) What is your religion ?
 - (b) Are you a member of a Scheduled Caste or Scheduled Tribe ? If so, state caste or tribe.
 5. (a) Are you a citizen of India ? If so, whether by birth or descent or registration or naturalisation or otherwise ?
 - (b) Are you a subject of NEPAL or SIKKIM ? If so, state of which of the two ?
 - (c) If you are not a citizen of India or a subject of NEPAL or SIKKIM, what is your Nationality ?

(N. B. : In the case of foreign nationals other than subjects of Nepal or Sikkim, consent of the Government of India signified in writing, if any, should be produced before a person is enrolled.)

 - (d) Have you migrated from areas now in Pakistan. If so, state :
 - (i) What was the date of your migration ?
 - (ii) If you migrated from Pakistan on or after the 19th July, 1948, was a certificate of eligibility issued to you by the Government of India ?
6. What are your educational qualifications ?

(Original certificates, with one attested copy of each, are to be produced).
7. Are you married* ?

If so, state :

 - (i) Date of Marriage(s).
 - (ii) Name(s) of wife/wives.
 - (iii) Nationality of wife/wives.

*(This does not include widower/divorcee.)
8. (a) What is your father's name and address ? If dead, state last address, District and State.
 - (b) What is or was the nationality of your father ? If he is or was an Indian citizen, state whether by birth, descent, registration, naturalisation or otherwise.
9. Are you or have you ever been a party or organisation of a political, communal or cultural nature ? If so, state the name of the party or organisation with the period/periods of your membership therein.
10. (a) Are you in Government Service or have you been a Government Servant ? If so, state full particulars.
 - (b) Are you in receipt of any allowance from Government ? If so, on what account ?

11. Do you now belong to any of the Armed Forces of India, the Reserves of any of the three Services, the Auxiliary Air Force, the Territorial Army or the Nepal State Army or any of the Forces of a foreign country ?
12. (a) Have you ever served in any of the Armed Forces in India, the Reserves of any of the three Services, the Auxiliary Air Force, the Territorial Army or Nepal State Army or any of the forces of a Foreign country ? If so, state in which and the cause of discharge. If you have served in more than one of the above named forces, or if you have served the same force in two or more distinct periods, state the cause of discharge separately in each case.
- (b) Do you desire your former service in the Indian Armed Forces to count for the purpose of calculation of the Good Conduct Pay and/or Pension, if admissible ? If so, do you agree to recovery being effected of any gratuity you may have received for your former service in not more than 36 monthly instalments from your pay commencing from the date of this enrolment, and undertake to refund to the Government through such recoveries or otherwise the above gratuity in full within 36 months of the date of your present enrolment ?
13. Have you ever been arrested, prosecuted, convicted, imprisoned, bound over, interned, externed or otherwise dealt with under any law in force in India or outside ? If so, state particulars.
14. Have you ever suffered from any of the following :—
 - (a) Head injury or any serious injury.....
 - (b) Fits or convulsions of any kind.....
 - (c) Leprosy
 - (d) Pulmonary Tuberculosis (including any family history of Pul. T. B.).
15. Are you willing to be inoculated or reinoculated and vaccinated or re-vaccinated ?
16. Are you willing to be enrolled as a combatant in the Air Force ?
17. Are you willing to go wherever ordered by land, sea or air and not to allow any caste or social usages to interfere with the duties for which you are enrolled ?
18. Are you willing to serve in the Air Force until discharged, and in the Regular Air Force Reserve, in accordance with the conditions of service as specified in Part II of this form of Enrolment, provided that the President shall so long require your services ?
19. Do you have any objection to take the following oath or to make the following affirmation at the time of your attestation ?

Form of Oath

I,, do swear in the name of God that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will, all in duty bound, honestly and faithfully serve in the Air Force, of the Union of India, and go wherever ordered by Air, Land or Sea and that I will observe and obey all commands of the President of the Union of India and the commands of any office set over me even to the peril of my life.

Form of Affirmation

I,, do solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will as in duty bound, honestly and faithfully serve in the Air Force of the Union of India and go wherever ordered by Air, Land or Sea and that I will observe and obey all commands of the President of the Union of India and the commands of any officer set over me even to the peril of my life.

Certificate

I,, do solemnly declare that the above answers made by me to the above questions are true.

Place.....

Date.....

(Signature of person enrolled).

.....Signature	} of witness
.....Name*	
.....Address	
.....	

(*Name in Block letters)

PART II

SECTION I—Conditions of Service for Persons enrolled for Regular and Reserve Service

A. Liability for Regular Service and Training.

1. *For Persons Enrolled for Service Involving Apprentice Training.

(a) You will serve as an apprentice under training for such period not exceeding four years as may be specified by the Government of India from time to time, provided that you may be discharged from the Air Force at any time during such training if you are found unfit for further training. In the event of your not qualifying for regular service in the Air Force within the specified period of training, you shall be discharged from the Air Force with all convenient speed at the expiry of such period. The period of training as apprentice is not counted towards regular service in the Air Force.

(b) After you have qualified for regular service in the Air Force you will serve in that force for a period of 15 years of regular service. On completion of this period you may extend your regular service, if permitted to do so, by such specified period or periods as may be fixed.

OR

For Persons Enrolled for Service Not Involving Apprentice Training

You will serve in the Air Force for a period of not less than.....years of regular service. On completion of this period you may extend your regular service, if permitted to do so, by such specified period or periods as may be fixed.

2. On your completion of the initial period of regular service in the Air Force and of such extensions of regular service as have been granted to you, you will be liable to be transferred to the Regular Air Force Reserve.

3. In the event of your desertion, service between the day of desertion and that of apprehension or surrender shall not count towards regular service.

4. If, on completion of the initial period of regular service and of the extensions if any as have been granted to you, you are still in regular service and continue thus to serve, you will be either transferred to the Regular Air Force Reserve or discharged from the Air Force Service within three months from the date of your applying that you do not wish to continue in Air Force Service; but you will be liable for such transfer or discharge on the completion of the aforesaid initial period of regular service or the further extension or at any time thereafter at the discretion of the competent authority.

5. You will be entitled to receive your discharge from the Air Force with all convenient speed if:

(*Strike out whichever is not applicable.)

- (a) on completion of the initial period of regular service or of such extension or extensions, if any, of regular service as have been granted to you, you are not transferred to the Regular Air Force Reserve, and are not permitted to extend or further extend your regular service ; or
- (b) within three months from the date of submitting your application under paragraph 4 above, you are not transferred to the Regular Air Force Reserve :

Provided, that you will not be entitled to discharge if war is imminent or existent, or if the strength of the trade in which you are mustered is 10 per cent below authorised establishment.

B. Liability for Reserve Service

6. Following the termination of your service in the Air Force and subject to the provisions of paragraphs 7 to 10 below, you will be liable to serve in the Regular Air Force Reserve for the periods as specified hereunder :

Period of service in the Air Force	Liability for Reserve service
(a) For Persons enrolled for service involving apprentice training.	
(i) Where liability for regular service in the Air Force, under the terms of enrolment (including the extensions, if granted), or the actual regular service rendered, whichever is greater, does not exceed 15 years.	Nine years.
<i>Explanation:</i> For the purposes of this sub-clause, any period during which you have been retained in the Air Force primarily for the disposal under the Air Force Act of any offence pending against you on the due date of discharge, will not be considered as "actual regular service".	
(ii) In any other case	Six years.
(b) For persons enrolled for service not involving apprentice training.	
In all cases	Six years.

7. In case you are discharged from the Air Force at your own request before you have completed the initial period of regular service for which you are now enrolled or such further extensions as have been granted to you, the unexpired portion of the initial period of regular service or the further extension will be added to the period of your above reserve liability.

8. You may, at any time during the period of your reserve liability, be transferred for service to the Regular Air Force Reserve for the remaining period of such liability.

9. You shall cease to be a member of the Regular Air Force Reserve after you have completed the aforesaid period of service in that Reserve; but if the competent authority so thinks fit he may require you further to serve in that Reserve for such period or periods and under such conditions, if any, as may from time to time be laid down in the Reserve and Auxiliary Air Forces Act, 1952, and the rules made thereunder.

10. Notwithstanding anything contained above, you shall not be liable to serve in the Regular Air Force Reserve after attaining such age as may, from time to time, be prescribed in the Reserve and Auxiliary Air Forces Act Rules.

Declaration

I,, do solemnly declare that I fully understand and consent to fulfil the above conditions of service for which I am being enrolled.

Place

()

Date

Signature of person enrolled.

Signature

Name*

Address

} of witness

*Write name in block capitals.

SECTION 2.—*Conditions of Service for persons enrolled in special cases when authorised in time of war or emergency.*

When you have served for years in the Air Force you will be entitled to received your discharge with all convenient speed.

Declaration

I,, do solemnly declare that I fully underst nd and consent fulfil the above conditions of service for which I am being enrolled.

Place

Date

Signature of person enrolled.

Signature

Name*

} of witness

} Address

(*Write name in block capitals)

PART III

Description on Enrolment

TO BE COMPLETED BY MEDICAL OFFICER

Apparent Age in years

Chest measurement (a) Minimum (Cms)

(b) Maximum (Cms)

Height Meters (Cms.)

Identification Marks (1)

(2)

I consider (Name) fit for trade/group

. in the Air Force.

Date

(Signature of Medical Officer)

Station

Rank and Name of M.O.

PART IV

Certificate by Enrolling Owcer

1. The conditions of service involving/not involving apprentice training/in special cases* for which he is now enrolled, were read and explained to the above named person by me/in my presence*.

2. After having cautioned him that if he should make any false answer to any of the questions Nos. 1 to 13 in part I, he would be liable to be punished as provided in the Air Force Act 1950, I put all the questions set forth in Part I to him and his answer to each such question has been duly entered.

3. I certify that the date of birth was verified from the original produced before me vide question 2 of Part I.

4. I further certify that I have examined the original certificates from which it is proved that his educational qualifications are

5. I am satisfied that he fully understands the questions put to him and the conditions of service which he has undertaken, and that he consents to those conditions.

Signed at

this

day of

19

Signature of Enrolling Officer

Rank and Name of Enrolling Officer.

(*Strike out whatever is not applicable).

FORM A.2—Form of Attestation Certificate*

No. Rank Name
 Unit

CERTIFIED that the above named person took the prescribed oath/affirmation† before me at (place) on this the day of 19 ..

Signature of person attested

Signature and appointment of
attesting Officer.

(Unit Seal)

*To be forwarded to Officer Commanding, Air Force Record Office for being kept permanently on record, in the enrolment papers.

†Strike out whatever is not applicable. For prescribed form and manner of Oath/Affirmation, refer to rule 9 of the Air Force Rules, 1969.

FORM A.3—Form for variation in Conditions of Service*

In the case of No. Rank Name (**)

(For use when a person agrees to vary his period of service for such period as may be authorised by the regulation of the Government of India for the time being in force).

I agree to serve for a further period of years
 until I shall have completed years
 with effect from * before being entitled to my discharge.
 of age*

(*Strike out the conditions which are not applicable).

(1) I am aware that all other conditions as to discharge previously accepted by me hold good and also that I am liable to be discharged at any time, should the President no longer require my services.

†(2) I agree to all other conditions of service as enumerated under heading "FOR PERSONS ENROLLED FOR REGULAR AND RESERVE SERVICE", in Part II, Section I, of my enrolment form.

(3) If at the time I become entitled to be discharged on completion of my extended service, a state of war exists between India and a foreign power or in the opinion of Central Government war is imminent or a state of emergency has been declared or if the strength of the trade in which I am mustered is ten per cent below the authorised establishment, I may be retained in the Air Force Service for such period or periods as the Chief of Air Staff may order.

Unit

*On completion, this form is to be forwarded to officer commanding, Air Force Record Office, for being kept permanently on record.

(**) Name in block letters.

†Provisions of para (2) may, where necessary, be suitably amended as required to meet government orders from time to time.

A.4—FORM FOR TRANSFER TO RESERVE*

(For use on transfer to the Reserve)

In the case of No. Rank. Name £
Unit.

This is to certify that I understand that I am being transferred to the Regular Air Force Reserve w.e.f. and that I am fully acquainted with the obligations and liabilities as defined in the Reserve and Auxiliary Air Forces Act, 1952, and the rules made thereunder:

Date (Signature and Rank) £

2. The above named was transferred to the Reserve with effect from....(date)

3. Reason for transfer(%)

Signed at this day of 19
Signature of Commanding Officer
Rank and Name
Unit.....

*On completion, this form is to be forwarded to officer commanding, Air Force Record Office, for being kept permanently on record.

£ Name in block capital letters.

(%) For example, at his own request on compassionate grounds, or on completion of regular engagement in accordance with terms and conditions of service, or option of extending regular service not given or option of extending regular service given but he elected not to exercise it, etc. etc.

SECOND SCHEDULE

(See rule 23)

FORM OF DELAY REPORT UNDER SECTION 104,

Air Force Act, 1950

Eight Day Delay Report pursuant to the Air Force Act, 1950, section 104 and rule 23 of the Air Force Rules, 1968.

First (Second, Third.....etc.) Report

Unit..... Reference No.....
Command/Group..... Date.....

1. Number, rank and name of the accused.....

2. Particulars of offences :—

Sl. No.	Date of Commission	Particulars of offence (Give facts, in brief)	Date of Discovery of offence
1			
2			
3			

3. Date and nature of initial arrest i.e. close or open.....

4. Total period of arrest upto the date of this report
(to be calculated as per section 39, Air Force Act, 1950).

(a) *Close arrest* *Total period in days*
From.....to.....
From.....to.....

Total period in close arrest.....days

- (b) *Open Arrest* *Total period in days.*
- From.....to.....
- From.....to.....
- Total period in open arrest.....days
- (c) Total period of arrest (i.e.days (a) plus (b) above)
5. On the date of this report the accused
is in close arrest.*
is in open arrest.*
has been released without
prejudice to re-arrest.*
6. Reasons for his continued retention in arrest are.....
7. If the total period of retention in arrest exceeds 60/90 days quote Air Headquarters letter communicating the approval of the C.A.S./Central Government for continued retention in arrest.....Air/HQ/
dated.....
8. Investigation under rule 24 of the Air Force Rules, 1969 :—
completed on the same date*
completed on.....(date)*
is in progress.*
- (a) Commenced on.....(date) and
(b) Reasons for delay in the commencement/completion of the investigation are.....
9. Summary of evidence :—
completed on the same date.*
completed on.....(date)*
is in progress.*
- (a) Commenced on.....(date) and
(b) Reasons for delay in the commencement/completion of the summary of evidence are.....
10. Application for trial :—
*(a) made vide letter No.....dated.....
*(b) not yet made because.....
11. Date of trial has not yet been fixed*/
has been fixed as.....*
- Name and Rank
Officer Commanding
.....(Unit)

To

The.....(Convening Officer)

Copy to :—

(1) Air or other officers commanding intermediate formations

(2) *C.L.A.....Air Headquarters } In the case of third and subsequent reports only. [See rule 23(2) of the Air Force Rules, 1969].
*D.C.L.A.....Command

* Strike out whatever is not required.

THIRD SCHEDULE

[See rule 24 (9)]

Forms of Summons

FORM C. 1.

Form of Summons to a witness to attend the taking of a Summary of Evidence.
To

..... (a)
Whereas a charge for having committed an offence triable by court-martial has been preferred
before me against (b) Number..... Rank.....
Name..... Unit.....
, and whereas I have directed a Summary of Evidence to be taken in writing
at (Place).....
..... (c) on the day of, 19..
at..... O'clock in the (d)
noon. Now, therefore, pursuant to section 134 of the Air Force Act, 1950, I do hereby sum-
mon and require you to attend as a witness the taking of the said summary of evidence at the
said place and hour and to bring with you the documents hereinafter mentioned namely,..
..... (e) Whereof you shall fail at your peril. Given under my hand at..... the.....
the day of 19....

(Signature, rank and Unit)
Commanding Officer of the accused.

(a) Insert the name and address of the person to whom the summons is to be sent.

(b) Insert the number, rank, name and unit of the accused.

(c) Insert the place where the Summary of Evidence is to be taken.

(d) Specify forenoon or afternoon.

(e) Specify the documents (if any) which the witness is to bring, (otherwise delete)

NOTE : The Summons shall be served in the manner specified in section 134 of the Air
Force Act, 1950.

FORM C. 2.

Form of Summons to a witness summoned to attend a Court-Martial.

To

..... A. B.

Whereas a Court-Martial has been ordered to assemble
at..... on the.....
..... day of 19, for the trial of
of the (unit), now, therefore, pursuant of section 134 of the Air Force Act, 1950, I do hereby
summon and require you A B..... to
attend, as a witness, the sitting of the said Court at..... on the.....
day of at..... O'clock
in the forenoon (and to bring with you the documents hereinafter mentioned, namely,.....
.....), and so to attend from day to day until you shall be duly
discharged, whereof you shall fail at your peril.

Given under my hand at on the.....
day of 19.

(Signature)

Convening Officer (or Judge-Advocate or
Presiding Officer of the Court or
Commanding Officer of the Accused).

FOURTH SCHEDULE

[See rule 31 (5)]

FORMS FOR SUMMARY DISPOSAL OF CHARGES UNDER SECTION 86, AIR FORCE ACT, 1950.

FORM E. 1

Summary Disposal Form

[When the authority dealing summarily with the case decides (with the written consent of the accused) to dispense with the attendance of witnesses against the accused and the accused has no witness in defence].

Particulars of the accused

- (a) Service No.
- (b) Rank (Substantive/Acting)
- (c) Name.....
- (d) Unit

Proceedings.

Questions to be put to the accused by the officer dealing with the case before the charge is read.

Question No. 1 to the Accused. Have you received a copy of the charge sheet and summary of evidence not less than forty-eight hours ago ? Answer

Question No. 2 to the Accused. Have you had sufficient time to prepare your defence? (If the answer to any of the above questions is in the negative, the officer dealing summarily with the case should record whether any adjournment was allowed or other orders were issued by him). The officer dealing with the case shall then read the charge (s) to the accused. Answer

Exhibit 'A' The charge-sheet is then attached to the proceedings as Exhibit 'A'.

Question No. 3 to the Accused. Have you agreed in writing that the witnesses against you need not give their evidence in person ? Answer.....

Exhibit 'B' The written consent of the accused to dispense with the attendance of witnesses is then examined and attached to the proceedings as Exhibit 'B'.

Question No. 4 to the Accused. Are you guilty or not guilty of the charge(s) against you which you heard read ? Answer
First charge
Second charge ...
Third charge.....

Exhibit 'C' The summary of evidence is then read aloud or the authority dealing with the case informs the accused that he has already perused it. The summary of evidence is attached to the proceedings as Exhibit 'C'.

Question No. 5 to the Accused. Do you wish to make (or hand in) a statement? Answer
Your statement may deal with the facts of the case, with your character and with matters in mitigation of punishment.

Exhibit 'D'

(If the accused makes an oral statement, its gist, or the statement, if in writing, should be attached to the proceedings as Exhibit 'D')

The officer dealing with the case shall then (i) consider all the evidence and determine whether the accused is guilty of the offence(s) or not and (ii) if he determines that the accused is guilty, examine and consider the accused's record of service or conduct sheet. Copy of the conduct sheet is attached to the proceedings as Exhibit 'E'.

Exhibit 'E'

If he intends to award either the punishment of forfeiture of seniority of rank or service or the punishment of stoppages of pay and allowances, he shall not announce and record his finding unless the accused says in answer to the following question that he will accept his award.

Question No. 6 to the Accused. Will you accept my award, or do you elect to be tried by court martial? Answer

Finding :

.....

Award :

.....

Signature
(Name)

(Rank and designation of the officer dealing summarily with the case).

Place :

Date :

NOTE : In every case in which a punishment is awarded, the original and a certified true copy of the proceedings together with Exhibits shall be forwarded through proper channel to the superior Air Force authority as defined in section 89, Air Force Act, 1950.

FORM E. 2

Summary Disposal Form

(When the authority dealing summarily with the case does not decide to dispense with the attendance of witnesses against the accused or when the accused requires the attendance of witnesses for or against him).

Particulars of the accused

- (a) Service No.
- (b) Rank (Substantive/Acting)
- (c) Name
- (d) Unit

Proceedings

Questions to be put to the accused by the officer dealing with the case before the charge is read.

Question No. 1 to the Accused. Have you received a copy of the charge sheet and summary of evidence, not less than forty-eight hours ago ? Answer

Question No. 2 to the Accused. Have you had sufficient time to prepare your defence ? Answer

(If the answer to any of the above questions is in the negative, the officer dealing summarily with the case should record whether any adjournment was allowed or other orders were issued by him).

The officer dealing with the case shall then read the charge(s) to the accused.

Exhibit 'A' The charge-sheet is then attached to the proceedings as Exhibit 'A'.

Question No. 3 to the Accused. Are you guilty or not guilty of the charge(s) against you which you heard read ? Answer
First Charge.....
Second Charge.....
Third Charge

The officer dealing with the case shall then proceed to examine the prosecution witnesses if any in relation to the charge(s) to which the accused pleads "not guilty" or in relation to which the accused's plea of "guilty" is not accepted by him, but before doing so, he shall put the following questions to the accused.

Question No. 4 to the Accused. Do you wish that the evidence be taken on oath ? Answer

(If the accused desires that the evidence shall be taken on oath, the oath or affirmation contained in rule 118 of the Air Force Rules, 1968, shall be administered to each witness before he gives evidence. The accused shall be allowed to put questions in cross-examination to prosecution witnesses. (Also see Note 1 below). The evidence of prosecution witnesses shall be recorded in brief on a separate sheet and attached to the proceedings as Exhibit 'B').

Exhibit 'B'

*The summary of evidence is then read aloud or the authority dealing with the case informs the accused that he has already perused it in so far as it relates to the charges to which the accused has pleaded guilty, but see Note 1 below. The summary of evidence is attached to the proceedings as Exhibit 'C'.

Exhibit 'C'

Do you wish to make or hand in a statement ? Answer
Your statement may deal with the facts of the case, with your character and with matters in mitigation of punishment.

If the accused makes an oral statement, its gist, or the statement, if in writing, should be attached to the proceeding as Exhibit "D"

Exhibit 'D'

Exhibit "D"

Question No. 6 to the Accused. Do you wish to adduce any evidence in your Answer defence?

Exhibit "E"

If the accused calls any witness the evidence for the defence shall be recorded in brief on a separate sheet and attached to his record as Exhibit "E". The officer dealing with the case shall then (i) consider all the evidence and determine whether the accused is guilty of the offence (s) or not and (ii) if he determines that the accused is guilty, examine, and consider the accused's record of service or conduct sheet.

Exhibit "F"

A copy of the conduct sheet shall be attached to this record as Exhibit "F". If the officer dealing with the case intends to award either the punishments of for forfeiture of seniority of rank or service or the punishment of stoppages of pay and allowances, he shall not announce and record his finding, unless the accused says in answer to the following question that he will accept his award.

Question No. 7 to the Accused. Will you accept my award or do you elect to be Answer tried by court martial.

Finding

.....
.....

Award

.....
.....

Signature

(Name)

Rank and designation of the officer
dealing summarily with the case.

Place.....

Date

*To be struck out if not required.

NOTE :—1. If a witness gives evidence different from that given by him when the summary of evidence was taken, the officer dealing summarily with the case should put questions to the witness as to the difference. He may also put to a witness and questions which he may otherwise wish for eliciting the truth in the case.

2. In every case in which a punishment is awarded, the original and a certified true copy of the proceedings together with exhibits and the original and a certified true copy of summary of evidence, shall be forwarded through proper channel to the superior Air Force authority as defined in section 89, Air Force Act, 1950.

FOURTH SCHEDULE

[See rule 34 (I)]

SECTION I—*Proforma Charge Sheet*

The accused, (a).....

.....
is charged with—

Section 4) (c)

Air Force Act, 1950

in that he

(d)

..... () Rank

Place

Officer Commanding

Date..... (e)

(a) Here state name and description of the person charged as required by rule 34 of the Air Force Rules, 1969, e.g.—

Pilot Officer A. B. Nair (1234), of No. 101 Squadron, Air Force, an officer of the regular air force.

or

12345 Flight Sergeant Nair, A. B., of No. 101 Squadron, Air Force, attached to Air Force Station, Phagwara, an airman of the regular air force,

or

Pilot Officer A. B. Nair (1234), (or 12345 Flight Sergeant Nair, A. B.) of No. 101 Squadron, Air Force, an officer (or airman) of the Regular Air Force Reserve (or the Auxiliary Air Force of the Air Defence Reserve) called up for training (or medical examination, or service in aid of the civil power, or Air Force Service) under the Reserve and Auxiliary Air Forces Act, 1952,

or

Shri A. B. Nair (Pass No.), lascar (or upper division clerk or civilian gazetted officer) of No. 101 Squadron Air Force, being a person subject to the Air Force Act, 1950, as an airman below non-commission officer (or non-commissioned officer or warrant officer or officer) under the provisions of section 2 (d) read with section 6 of the said Act.

(b) Here state section, sub-section and clause of the Air Force Act, 1950 under which the person is charged e.g. section 45, or section 41(2), or section 40 (a) or section 71.

- (c) Here give statement of the offence as required under rule 36 (3) of the Air Force Rules, 1969, e.g.:-

Behaving in a manner unbecoming his position and the character expected of him

or

on active service disobeying a lawful command given by his superior officer

or

using criminal force to his superior officer when such officer is in the execution of his office

or

committing a civil offence that is to say theft punishable under section 379 of the Indian Penal Code.

- (d) Here give statement of the particulars of the act, neglect or omission constituting the offence as per rule 36 (4), (5) and 6 of the Air Force Rules, 1969.

- (e) The unit stated here must be the unit to which the person charged belongs or is attached as shown at the commencement of the charge-sheet.

Section 2—Illustration of Charge Sheet

NOTE:—The following is an illustration of a complete charge-sheet, with statement of offence and particulars, as it would be placed before a district court-martial.

CHARGE-SHEET

The accused, 12345 Corporal Nair, A. B. of No. 101 Squadron, Air Force, an airman of the regular air force, is charged with—

FEIGNING DISEASE IN HIMSELF

First charge
Section 46 (b) Air
Force Act, 1950.

in that he
at PHAGWARA, on _____, pretended to Flight Lieutenant A. T. Lal (3456), Senior Medical Officer, Air Force Station, PHAGWARA, that he was suffering from violent pains in his head and in his stomach, whereas he was not so suffering.

Second charge Section
39(a) Air Force Act,
1950.

ABSENTING HIMSELF WITHOUT LEAVE

in that he
at PHAGWARA, on _____, absented himself from the Air Force camp area without leave at _____ hours, until apprehended by the civil police at NAGWARA at _____ hours on _____.

PHAGWARA
_____, 19 .

C.D.E.
Officer Commanding
No. 101 Squadron, Air Force

To be tried by District Court-Martial.

XY

PALAMPUR
_____, 19 .

Convening Officer
(or Staff Officer, who should
sign for the Convening Officer)

SIXTH SCHEDULE

(See Rule 130)

Forms as to Courts-Martial

SECTION I—General

FORM—F. 1

Form of Declaration of Exigencies of the Service or the Necessities of Discipline under rule 42 of the Air Force Rules, 1969.

In my opinion [*exigencies of the services, namely (state them)] tender it († impossible) to observe the provisions of rules‡.....on the trial of.....by.....court-martial assembled pursuant to the order of the.....of.....

Signed at.....this.....day of.....19

A.B.

(Instruction : This declaration must be signed by the officer whose opinion is given, and will be annexed to the proceedings. It should not be included in the convening order but should be a separate document.)

SECTION II—Forms as to General and District Courts-Martial.

FORM—F. 2(a)

Form of Order for the Assembly of a General (or District) Court-Martial under the Air Force Act, 1950.

Orders by
Commanding the
(Place)

(Date)

The detail of officers as mentioned below will assemble at.....on the.....day of.....for the purpose of trying by a.....court-martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

(Here insert any opinion regarding the constitution of the Court rendered necessary by the provisions of rules 46, 47 and 48 of the Air Force Rules, 1969.

The senior officer to sit as Presiding Officer

Members§
Waiting Members§
Judge-Advocate

is appointed Judge-Advocate.

Interpreter

is appointed Interpreter.

Prosecutor

is appointed Prosecutor.

The accused will be warned, and all witnesses duly required to attend.§§

The proceedings (of which only one copy is required) will be forwarded to

Signed this.....day of.....

* (or the necessities of discipline)

† (or inexpedient)

‡ State the rule or rules which cannot be observed.
(See rule 42)

§ These members and the waiting members may be mentioned by name, or the number and ranks and the mode of appointment may alone be named.

§§ Here add any order regarding counsel—vide rules 103 and 104 of the Air Force Rules, 1969.

FORM—F. 2(b)

Form of Proceedings of a General (or District) Court-Martial (including some of the incidents which may occur to vary the ordinary course of procedure, with instructions for the guidance of the Court).

PROCEEDINGS OF A COURT -MARTIAL, assembled
at..... on the..... day of.....
19..... by order of..... Commanding.....
..... dated the..... day of.....
19....

PRESIDING OFFICER

Rank	Name	Unit

MEMBERS

Rank	Name	Unit

....., Judge-Advocate
[Interpreter]

Trial of*

o'clock the trial commences.

†(1) The order convening the Court is read [orally translated] and [a copy thereof], is marked attached to the proceedings. signed by the presiding officer [Judge-Advocate] and attached to the proceedings.

The charge-sheet and the summary of evidence are laid before the Court.

[Instruction—All documents relating to the court, or the matters before it, which are intended to form part of the proceedings (such as an order respecting exigencies of the service or a letter answering any question referred to the convening officer) at whatever period of the trial they are received should be read in Open Court, marked so as to identify them, signed by the presiding officer (Judge-Advocate), and attached to the proceedings.]

The Court shall satisfy itself that ‡ is not available to serve owing to @ waiting member takes his place as a member of the court.

The Court shall satisfy itself as provided by rules 49 and 50 of the Air Force Rules, 1969.

£ (2) The above-named, the accused, is brought before the Court. § appears to assist (or as Counsel/Defending) Officer for) the accused.

§ appears as prosecutor, and takes his place.

VARIATION

§ appears as counsel for the prosecutor.

The names of the presiding officer and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the presiding officer to the accused—Do you object to be tried by me as presiding officer, or by any of the officers whose names you have heard read over?

Answer by accused—No.

[Instruction—The questions are to be numbered throughout consecutively in a single series. The letters Q. and A. in the margin may stand for Question and Answer respectively.]

*Here insert No., Rank, Name and Unit.

†Denotes paragraph number.

@Here insert reason.

‡Here insert Rank, Name and Unit.

£ Denotes paragraph number.

§Here insert the personal particulars and legal qualifications, if any.

VARIATIONS

Challenging Officers

Answer—I object to

Question to accused—Do you object to any other person? (This question must be repeated until all the objections are ascertained.)

Answer—

Question to accused—What is your objection to (the junior officer objected to)?
Answer by accused—

The accused in support of his objection to requests permission to call _____ etc., etc.
_____ is called into Court, and is questioned by the accused.

The Court is closed to consider the objection.

Decision—The Court disallow the objection.

The Court is re-opened, and the above decision is made known to the accused.

or,

Decision—The Court allow the objection.

The Court is re-opened, and the above decision is made known to the accused.

retires.

Fresh Member*—

takes his place as member

of the Court.

(This only applies in the case of there being a waiting member of the Court)

He appears to the Court to be eligible and not disqualified to serve on this court-martial.

Question to accused—Do you object to be tried by _____ (the fresh member)?

Answer—

(If he objects, the objection will be dealt with in the same manner as the former objection.)

Question to the accused—What is your objection to _____ (the junior of the officers objected to)?

(This objection will be dealt with in the same manner as the former objection.)

The Court adjourns for the purpose of fresh members being appointed.

or,

The Court is of the opinion that in the interests of justice and for the good of the service, it is inexpedient to adjourn for the purpose of fresh members being appointed, because [here state the reasons.]

At _____ o'clock on _____ the Court resumed its proceedings, and an order appointing fresh officers is read, marked _____, signed by the presiding officer (judge-advocate) and attached to the proceedings.

The Court shall satisfy itself with respect to such fresh officers as provided by rule 49.

[Instruction—The procedure as to challenging fresh officers, and the procedure, if any objection is allowed, will be the same as above.]

*Insert Rank, Name and Unit.

The presiding officer and members of the Court, as constituted after the above proceedings are as follows—

PRESIDING OFFICER

Bank	Name	Unit
	MEMBERS	
Bank	Name	Unit

The presiding officer, members, and judge-advocate are duly sworn [or affirmed] (also any officer under instruction).

[Instruction—(a) The witnesses if in Court, other than the prosecutor, should be ordered out of the Court at this stage of the proceedings.

(b) Also any interpreter and short-hand writer should be now sworn.]

Question to the accused—Do you object to as interpreter?

A—

[Instruction—In case of objection the same procedure will be followed as in the case of an objection to a member of the Court.]

Q. Do you object to as short-hand writer?

A.

[Instruction—In the case of objection the same procedure will be followed as in the case of an objection to a member of the Court.]

CHARGE-SHEET

£ (3) The charge-sheet is signed by the presiding officer [Judge-Advocate] marked 'B-2' and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Question to the accused—Are you guilty or not guilty of the [first] charge against you, which you have heard read?

A—

[Instruction—When there is more than one charge the foregoing question will be asked after each charge is read, the number of the charge being stated.]

[Instruction—If the accused pleads guilty to any charge, the provisions of rule 60(2) must be complied with, and the fact that they have been complied with must be recorded.]

VARIATIONS

The accused objects to the charge.

Question to the accused—What is your objection?

Decision

The Court is closed to consider its decision.

£ Denotes paragraph number.

The Court disallows the objection [or, the Court allows the objection, and agrees to report to the convening officer.]

The Court is re-opened, and the above decision is read to the accused.

The Court proceeds to the trial [or, adjourns.]

Plea to jurisdiction—The accused pleads to the general jurisdiction of the Court. Question to the accused—What are the grounds of your plea?

A—

Q—Do you wish to produce any evidence in support of your plea?

A—

Witnesses—Witnesses are examined on oath [or affirmation].

[Instruction—The examination, etc., of the witnesses called by the accused, and of any witnesses called by the prosecutor in reply, will proceed as directed below in paragraphs (4) and (6). The prosecutor will be entitled to reply after all the evidence is given].

Decision—The Court is closed to consider its decision.

The Court allows [or overrules] the plea [or resolves to refer the point to the convening authority, or decides specially that].

The Court is re-opened, and the above decision is read to the accused.

The Court proceeds to the trial [or adjourns].

VARIATION

Plea in bar of trial—Accused, besides the plea of guilty [or, not guilty], offers a plea in bar of trial.

Question to the accused—What are the grounds of your plea?

A—

Q—Do you wish to produce any evidence in support of your plea?

A—

Witnesses—Witness examined on oath [or affirmation].

[Instruction—The examination, etc., of the witnesses called by the accused, and of any witnesses called by the prosecutor in reply, will proceed as directed below in paragraphs (4) and (6). The prosecutor will be entitled to reply after all the evidence is given].

Decision—The Court is closed to consider its decision.

The Court allows the plea and resolves to adjourn [or to proceed to the trial on another charge] [or the Court overrules the plea].

The Court is re-opened, and the above decision is read to the accused.

The Court adjourns [or proceeds with the trial on another charge] [or proceeds with the trial].

VARIATIONS

Though the accused pleads "Guilty" to the charge, the court records a plea of "Not Guilty" as required by Rule 60(4).

Or,

Refusal to plead—As the accused does not plead intelligibly [or refuses to plead to the above charge, or does not plead "guilty" to the above charge] the Court enters a plea of "not guilty".

[Instruction—Where the Court has recorded a plea of "guilty" on some and a plea of "not guilty" on other charges, the trial in respect of the charges on which a plea of "guilty" has been recorded, will not proceed, until the proceedings upto and including findings in respect of the other charges on which the plea is "not guilty" have been completed.]

PROCEEDINGS ON PLEA OF NOT GUILTY

£(4) Question to the accused—Do you wish to apply for an adjournment on the ground that any of the rules relating to the procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A—

[Instruction—If the accused desires to make an application for adjournment, the court will hear any statement or evidence which he may desire to adduce in support thereof, and any statement of the prosecutor or evidence in answer thereto. Witnesses will be examined, cross-examined etc. as provided hereinafter in this paragraph and in paragraph (b).]

VARIATION

If an adjournment is applied for by the accused:

Decision—The court is closed to consider its decision.

The Court allows (or over-rules) the application by the accused for adjournment or allows adjournment upto

The court is re-opened, and the above decision is read to the accused.—

[If the prosecutor makes an address]. The prosecutor makes the following address [or, if the address is written, hands in a written address, which is read (orally translated), marked _____, signed by the presiding officer

(Judge-Advocate) and attached to the proceedings].

[Instruction—Where the address of the prosecutor is not in writing, the Court should record so much as appears to it material, and so much as the prosecutor requires to be recorded.]

First witness for prosecution.

The prosecutor proceeds to call witnesses.

being duly sworn (affirmed is examined by the prosecutor.

Cross-examined by the Accused.

Re-examined by the Prosecutor.

Examined by the Court.

His evidence is read to the witness.

[Instruction—The fact that sub-rules (2), (3) and (4) of rule 119 have been complied with should be recorded]

The witness withdraws

*Here insert his number, rank, name and unit and appointment (if any), or other description.

£Denotes paragraph number.

VARIATIONS

The accused declines to cross-examine this witness.

[Instruction—In every case where the accused does not cross-examine a witness for the prosecution this statement is to be made, in order that it may appear on the face of the proceedings that he has had the opportunity given him of cross-examination.]

The Court, at the request of the accused, allows the cross-examination of the witness to be postponed.

The accused [or the prosecutor] objects to the following question*—

The Court is closed to consider their decision

The Court overrules [or allows] the objection, and the Court is re-opened and the decision announced.

The witness, on his evidence being read to him, makes the following explanation or alteration—

Examined by the prosecutor as to the above explanation or alteration.

Examined by the accused as to the above explanation or alteration.

The prosecutor and accused decline to examine him respecting the above explanation or alteration.

Second witness for prosecution

being duly sworn [affirmed], is examined by the prosecutor.

[The examination, etc., of this and every other witness proceeds as in the case of the first witness].

Adjournment

At o'clock the Court adjourns until o'clock on the
Second day

On the of 19 at o'clock, the Court re-assembles,
pursuant to adjournment, presents the same members as on the of

VARIATION

[Instructions—(a) If a member is absent, and his absence will reduce the Court below the legal minimum and it appears to the members present that the absent member cannot attend within a reasonable time, the presiding officer or senior member present will thereupon report the case to the convening officer.

(b) If the judge-advocate is absent, and cannot attend within a reasonable time, the court will adjourn, and the presiding officer will thereupon report the case to the convening authority.]

Absent member—[Rank-Name-Unit] being absent.

[The absence is accounted for].

A medical certificate [or letter, or as the case may be] is produced, read, marked , signed by the presiding officer (judge-advocate) and attached to the proceedings

*Give also rounds of objection by the person requesting opinion of the Court, the reply by the other person(s) and advice by the judge-advocate, if any. See Rule 95.

The Court adjourns until

or,

There being present
trial is proceeded with.

[not less than the legal minimum] members, the

[Instructions—(a) If the Court, in consequence of the adjournment having been prolonged by the senior officer on the spot, or otherwise, does not meet on the day to which it previously adjourned, or if the adjournment was until further orders, the words "pursuant to adjournment" will be omitted from the above form, and the cause of its meeting at the above time will be entered in the proceedings.

(b) If the place of meeting has been altered by orders or otherwise, the place of meeting and the reason for meeting at that place will be entered in the proceedings.]

Examination (cross-examination) of

continued

The prosecution is closed

VARIATION

(If the accused offers a plea of "no case")

Accused offers a plea of no case, and in support thereof says
[or hands in a written address, which is read (orally translated), marked Exhibit
signed by the presiding officer (Judge-Advocate), and attached to the proceedings.]

The prosecutor makes the following reply [or, if the reply is in writing, hands in a written reply, which is read (orally translated) marked Exhibit
signed by the presiding officer (Judge-Advocate), and attached to the proceedings];

or,

The prosecutor declines to make a reply.

[If the prosecutor makes a reply, the accused will have a right to make a counter-reply.]

[Instructions—(a) Where the reply of the prosecutor is not in writing, the court should record so much as appears to it material, and so much as the prosecutor requires to be recorded.

(2) If the address (or counter-reply) of the accused is not in writing and is delivered by himself, the material portions should be taken down in the first person, and as nearly as possible in his own words.

If the address (or counter-reply) is not in writing and not delivered by the accused himself, the material portions should be recorded.

In either case, any matter which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken whether a request is made or not to record every point brought forward in support of the plea.]

The Judge-Advocate hands in a written advice, which is read (orally translated) marked Exhibit signed by the presiding officer, and attached to the proceedings.

The court is closed to consider its decision.

The court disallows the plea [or allows the plea] (or allows the plea on and charges and disallows the plea on and charges.)

The court is reopened, and the above decision is read to the accused and the accused is informed that the decision is subject to confirmation.

[If there are no charge or charges on which the trial may proceed, adopt procedure from paragraph (9), and omit procedure given below upto and including para (8) otherwise].

The trial proceeds on _____ and _____ charges.

DEFENCE

The accused (or counsel for the accused, or the defending officer may make an opening address).

The accused [or counsel for the accused, or the defending officer makes the following address or, if the address is written, hands in a written address, which is read (orally translated), marked Exhibit _____, signed by the presiding officer (Judge-Advocate), and attached to the proceedings].

[Instructions—Where the address of the accused (or counsel for the accused or the defending officer) is not in writing, the court should record so much as appears to it material, and so much as the accused (or counsel for the accused or the defending officer) requires to be recorded].

Question to the accused—Do you wish to make any statement as to the facts of the case?

A—

VARIATION

The court, at the request of the accused, adjourns until _____ to enable him to prepare his defence.

The accused in his defence says _____ [or hands in a written address, which is read (orally translated), marked Exhibit _____, signed by the presiding officer (Judge-Advocate) and attached to the proceedings].

[Instructions—If the statement of the accused is not in writing, the material portions should be taken down in the first person as nearly as possible in his own words. In any case any matter which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken, whether a request is made or not, to record every point brought forward in defence or in mitigation of punishment].

Question to the accused—Do you intend to call any witness in your defence?

A.—Yes (No).

Q.—Is he a witness as to character only?

A.—

VARIATION

* (5) [Instructions—If the accused calls no witness to the facts of the case adopt this and omit paragraph (6)]

First witness as to character.

The accused calls the following witnesses as _____ to character;

is duly sworn (affirmed).

Examined by the accused.

.....
Cross-examined by the prosecutor.

Re-examined by the accused.

* Denotes paragraph number.

** Here insert his number, rank, name and unit and appointment (if any), or other description.

Examined by the court.

His evidence is read to the witness.

[Instructions.—The fact that sub-rules (2), (3) and (4) of rule 119 have been complied with should be recorded.]

The witness withdraws.

VARIATION

The prosecutor declines to cross-examine this witness.

The witness, on the evidence being read to him, makes the following explanation or alterations.

Examined by the accused as to the above explanations or alterations.

Examined by the prosecutor as to the above explanations or alterations.

The accused and the prosecutor decline to examine him in respect of the above explanations or alterations.

[The prosecutor may, in reply to the witnesses as to character, call witnesses to produce proof of former conviction either by a court-martial or by a criminal court and the entries in the service conduct sheet.]

The prosecutor addresses the court about the evidence for the prosecution as follows [or, if the address is in writing, hands in a written address, which is read (orally translated) marked Exhibit....., signed by the presiding officer (Judge-Advocate) and attached to the proceedings.]

[Instructions.—Where the address of the prosecutor is not in writing the court should record so much as appears to them material and so much as the prosecutor requires to be recorded.]

The accused (or the counsel for the accused or the defending officer) addresses the court in reply as follows [or hands in a written address, which is read (orally translated), marked Exhibit....., signed by the presiding officer (Judge-Advocate) and attached to the proceedings.]

[Instructions.—If the address of the accused is not in writing and is delivered by himself, the material portions should be taken down in the first person, and as nearly as possible in his own words.

If the address is not in writing and not delivered by the accused himself the material portions should be recorded.

In every case any material which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken, whether a request is made or not, to record every point brought forward in the defence or in mitigation of the punishment.]

VARIATION

The court, at the request of the prosecutor, adjourns until.....to enable the prosecutor to prepare his address.

The court, at the request of the accused, adjourns until.....to enable the accused to prepare his reply.

[After this adopt procedure from paragraph (7), and omit paragraph (6).]

* (6) [Instructions.—If the accused calls witnesses to the facts of the case, then omit paragraph (5) and adopt this.]

is duly sworn

[affirmed].

*Denotes paragraph number.

†All witnesses including witness as to character, will be numbered consecutively and examined, cross-examined etc. in the same manner.

‡Here insert his number, rank, name and unit and appointment (if any) or other description.

Examined by the Accused.

Cross-examined by the Prosecutor.

Re-examined by the Accused.

Examined by the Accused.

His evidence is read to the witness.

[Instruction.—The fact that sub-rules (2), (3) and (4) of rule 119 have been complied with should be recorded.]

The witness withdraws.

VARIATIONS

The prosecutor declines to cross-examine this witness.

The witness, on his evidence being read to him, makes the following explanations or alterations.

Examined by the accused as to the above explanation or alteration.

Examined by the prosecutor as to the above explanation or alteration.

The accused and prosecutor decline to examine him respecting such explanation or alteration.

The prosecutor [by leave of the Court] calls witness in reply*.

The accused (or the counsel for the accused or the defending officer) makes the following address [or, if the address is in writing, hands in a written address, which is read (Orally translated) marked _____, signed by the presiding officer (Judge-Advocate), and attached to the proceedings].

The prosecutor makes the following reply [or, if the reply is in writing, hands in a written reply, which is read (orally translated) marked _____, signed by the presiding officer (Judge-Advocate), and attached to the proceedings];

or,

The prosecutor declines to make a reply.

[Instruction.—Where the reply of the prosecutor is not in writing, the Court should record so much as appears to it material, and so much as the prosecutor requires to be recorded.

If the address of the accused is not in writing and is delivered by himself, the material portions should be taken down in the first person, and as nearly as possible in his own words.

If the address is not in writing and not delivered by the accused himself, the material portions should be recorded.

In either case, any matter which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken whether a request is made or not be record every point brought forward in the defence or in mitigation of punishment]

*To be numbered consecutively further to prosecution witnesses already examined earlier. Witnesses will be examined, cross-examined etc. in the same manner as other prosecution witnesses.

VARIATION

The Court, at the request of the accused, adjourns until _____ to enable the accused to prepare his address.

The Court, at the request of the prosecutor, adjourns until _____ to enable the prosecutor to prepare his reply.

SUMMING UP

£ (7) The Judge-Advocate hands in a written summing up, which is read [orally translated] marked _____ signed by the presiding officer, and attached to the proceedings.

VARIATIONS

The Judge-Advocate and the Court think a summing up unnecessary.

Or,

The Court, at the request of the judge-advocate, adjourns until _____ to enable him to prepare his summing up.

FINDING

£ (8) The Court is closed for the consideration of the finding.

The Court finds that the accused (No. Rank.
Name. Unit.) is :

*Guilty of. Not guilty of the. charge but is guilty of the.
charges

or,

*Guilty of. Not guilty of. and. charges but is guilty of. and
and ——— charges. charges.

or,

*Guilty of all charges) is guilty of the charge (all the charges).

or,

*Special finding is guilty of the. charge, and guilty of the.
charge with the exception of the words (or with. exceptio
that)

or,

*Special finding is not guilty of desertion, but is guilty of absence without leave from the
..... to the., being a period
of. days.

[Instruction—Any special finding allowed by section 138 of the Air Force Act, 1950, may be expressed in this form];

or,

the court adjourns for the purpose of consulting the convening[or as the case may be, confirming] officer;

On re-assembly on the _____ day of _____ and on
reading the opinion of _____, which is marked an
annexed to the proceedings, finds that the accused, etc.

PROCEEDINGS ON ACQUITTAL OF ALL THE CHARGES

[Instruction : This form shall not be adopted if there is plea of "Guilty" on any charge(s) in respect of which the proceedings are yet to continue.]

£ Denotes paragraph number.

*The words in italics are to be entered in the margin.

¶ (9) *Acquittal—The Court finds that the accused (No..... Rank.....
ame..... Unit) is not guilty of the charge [or all the charges].

Signed at this day of
(Signature) (Signature)
Judge-Advocate. Presiding Officer

INSANITY

*Insanity—The court finds that the accused (No..... Rank.....
Name..... Unit.....) is of unsound mind and
consequently incapable of making his defence ;

or,

committed the act [acts] alleged as constituting the offence (offences) specified in the charge
[charges] but was by reason of unsoundness of mind incapable of knowing the nature of that act
[those acts] [or but was, by reason of unsoundness of mind, incapable of knowing that that act was
wrong (those acts were wrong) (or contrary to law)].

Signed at this day of
(Signature) (Signature)
Judge-Advocate. Presiding Officer

CONFIRMATION

Confirmed.
At this day of
Signature of Confirming Authority.

PROCEEDINGS ON PLEA OF GUILTY

(10) The Court reopens and the charge(s) on which a plea of "Guilty" has been
recorded are read in the hearing of the accused.

Question to the accused—Do you wish to make a statement with reference to
the charge?

A. Yes (no).

[Instructions.—The accused may in accordance with rule 62(3) make any state-
ment he wishes with reference to the charge.]

The accused says.....(or, if the statement is in writing, hands in a written
statement which is read (orally translated), marked....., signed by the
Presiding Officer (Judge-Advocate) and attached to the proceedings.

[Instruction: If the statement of the accused is not in writing, the material
portions should be taken down in the first person, and as nearly as possible in his
own words. In any case, any matter which is requested by or on behalf of the
accused to be recorded should be recorded, and care must be taken, whether a
request is made or not, to record every point brought forward in mitigation of
punishment.]

VARIATION

The court gives permission to the accused to call witnesses to prove this statement
that [here specify the statement which is to be proved.]

[Instructions.—The examination etc. of witnesses called in pursuance of this
permission will proceed in the same manner as in paragraph (6).]

¶ Denotes paragraph number.

*The words in italics are to be entered in the margin.

The summary of evidence is read (orally translated), marked, signed by the presiding officer, [Judge—Advocate], and attached to the proceedings.

[Instructions —If there is no summary of evidence, sufficient to enable the court to determine the sentence and to enable the confirming officer to know all the circumstances connected with the case will be taken as in paragraph (4). No address will be allowed.]

Question to the accused—Do you wish to make any statement in mitigation of punishment?

A. No. cr

The accused in mitigation of punishment says or if the statement is in writing hands in a written statement, which is read (orally translated), marked signed by the presiding officer (Judge-Advocate) and attached to the proceedings.]

[Instruction—If the statement of accused is not in writing, and is delivered by himself, the material portions should be taken down in the first person, and as nearly as possible in his own words.

If the statement is not in writing and note delivered by the accused himself the material portions should be recorded.

In either case any matter which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken, whether a request is made or not, to record every point brought forward in mitigation of punishment.]

Evidence as to Character

Question to the Accused—Do you wish to call any witnesses as to character?

A. Yes. (No).

[Instruction — The examination etc. of witnesses as to character will proceed as in paragraph (5).]

The accused [Number, rank, name
Unit] is found guilty of the.....charge [all the charges.]

VARIATION

The Court being satisfied from the statement of the accused [or the summary of evidence, or otherwise], that the accused did not understand the effect of the plea of "guilty" in respect of.....and.....charges, alters the record and enters a plea of "Not Guilty" in respect of them.

[Instructions—The court will then proceed in respect of the charges for which the plea has been altered, as in paragraph ().]

PROCEEDINGS ON CONVICTION

Before sentence

(11) The Court being re-opened the accused is again brought before it.
is duly sworn [or affirmed.]

Evidence of character, etc.

Question—What record have you to produce in proof of former convictions against accused and of his character?

Answer by witness—I produce a statement certified under the hand of the officer having custody of the service [or other official] records.

The statement is read [orally translated] marked signed by the presiding officer [Judge-Advocate], and attached to the proceedings.

Q.—Is the accused the person named in the statement you have heard read?

A. —

Q.—Have you compared the contents of the above statement with the service [or other official] records?

A. —

Q.--Are they true extracts from the service [or other office] records and is the statement of entries in the conduct sheet a fair and true summary of those entries?

A. —

Cross-examined by the Accused

Re-examined

or,

The accused declines to cross-examine this witness

[Instructions.—Any further question will be put and any evidence produced which the Court requires as to any point respecting the character and service of the accused on which the Court desires to have information for the purpose of their sentence.

At the request of the accused, or by the direction of the Court, the service or other official books, or a certified copy of the material entries therein must be produced for the purpose of comparison with the statement.

The accused is entitled to call the attention of the Court to any entries in the service or other official books, or in the certified copy above mentioned, and to show that they are inconsistent with the statement.

When all the evidence on the above matters has been given the accused may address the Court thereon.]

Question to accused—Do you wish to address the Court?

Answer—

The Court is closed for the consideration of the sentence

SENTENCE

The Court sentences the accused (No..... Rank.....
Name..... Unit.....):—

(a) ***Death**.—To suffer death by being hanged by the neck until he be dead [or to suffer death by being shot to death].

(b) ***Imprisonment for life**.—To suffer imprisonment for life.

(c) ***Rigorous (Simple) imprisonment**.—To suffer rigorous [simple] imprisonment for.....years [months or days].@

(d) ***Detention**.—To undergo detention for years [months or days].@

(e) ***Cashiering**.—To be cashiered.

(f) ***Dismissal**.—To be dismissed from the service.

(g) ***Reduction**.—To be reduced to the rank of..... [or to the ranks] [or to the classification of].

(h) % (i) ***Forfeiture of seniority**.—To take precedence in the rank held by him as if his name had appeared between the names of.....and.....

*The words in italics are to be entered in the margin.

@Terms of imprisonment or detention for any period not amounting to one month (i.e. a calendar month) will be awarded in days; for any period of one year or more years will be awarded in years; and in any other case, will be awarded in months, or if required, in months and days.

%Court-Martial may forfeit only past seniority in the substantive rank held. (i) or (ii) are for use in cases of persons whose names are published in the Air Force List, while (iii) is for use in other cases. (i) should be used where it is intended to adjust the precedence of the accused within a group of persons who along with the accused were promoted to the same substantive rank with effect from the same date.

in the Air Force List (month and year);

Or

% (ii) **Forfeiture of seniority*.—To forfeit.....(specify period) seniority of rank, that is to say, to take precedence in the rank held by him as if his name had appeared between those of.....and..... in the Air Force List (month and years);

Or

% (iii) **Forfeiture of seniority*.—To forfeit.....(specify period) seniority of rank, that is to say, to take precedence in the rank held by him as if his appointment to the rank of (here specify the substantive rank held) bore date

(iv) **Forfeiture of past service for promotion*.—To forfeit (here specify period) past service for the purpose of promotion.

(i) **Forfeiture of service for*—To forfeit (here specify period) for the purpose of (here specify increased pay, and/or pension and/or any other prescribed purpose).

(j) **Severe Reprimand or Reprimand*.—To be severely reprimanded (or reprimanded).

(k) **Forfeiture of Pay and Allowances*.—To forfeit pay and allowances for a period of.....

(l) **Forfeiture of Arrears and other public money*.—To forfeit all arrears of pay and allowances and other public money due to him at the time of his dismissal (cashiering).

(m) **Stoppage*.—To be put under stoppage of pay and allowances until he has made good to.....(here specify the Central Government or other person to whom the loss or damage was occasioned by the offence) the value of the following articles, viz. (state the articles and the value of each), [until he shall have made good to (here specify the Central Government or other person to whom the loss or damage was occasioned by the offence) the sum of..... in respect of (state the circumstances in respect of which the same is awarded)].

[NOTE: Where it is intended to award this punishment in order to make good the loss or damage to two or more persons, the names of, and the amounts of loss or damage to be made good to each of such persons should be specified separately.]

(n) **Field Punishment*.—To suffer field punishment no..... for a period of.....†.

RECOMMENDATION TO MERCY

The court recommend the accused to mercy on the ground that

SIGNATURE

Signed at this day of 19

(Signature)
Judge-Advocate

(Signature)
Presiding Officer

*The words in italics are to be entered in the margin.

%A court-martial may forfeit only past seniority in the substantive rank held. (i) or (ii) are for use in cases of persons whose names are published in the Air Force List, while (iii) is for use in other cases. (i) should be used where it is intended to adjust the precedence of the accused within a group of persons who along with the accused were promoted to the same substantive rank with effect from the same date.

†See rule 152.

REVISION

(12) At on the day of 19..... at o'clock, the Court re-assemble by order of for the purpose of re-considering their

Present, the same members as on the day of 19

VARIATION

[Instruction—If a member is absent and the absence will reduce the Court below the required minimum, and it appears to the members present that such absent member cannot attend within a reasonable time, the presiding officer, or, in his absence, the senior member present shall thereupon report the case to the convening officer.]

Absent member—[Rank, name, service number, unit] being absent.

[The absence is accounted for.]

A medical certificate [or, letter, or other document, as the case may be] is produced, read, marked, signed by the presiding officer (Judge-advocate), and attached to the proceedings.

There being present[not less than the required minimum] members, the Court proceeds.

The letter [order or memorandum] directing the re-assembly of the Court for the revision, and giving the reasons of the confirming authority for requiring a revision of the finding [finding and sentence] [or sentence] is read, marked....., signed by the presiding officer [Judge-Advocate] and attached to the proceedings.

[Instructions—If the confirming authority so orders, additional evidence may be taken on revision; such evidence will be taken as in paragraphs (4) and (6).]

Revised finding—The Court having attentively considered the observations of the confirming authority, and the whole of the proceedings;

(a) does now revoke its finding and sentence, and finds that the accused is, and sentences him to

or,

(b) does now revoke its sentence, and now sentences the accused, etc., etc..

or,

(c) does now respectfully adhere to its sentence [or finding and sentence].

Signed at, this day of 19

(Signature)
Judge-Advocate.

(Signature)
Presiding Officer..

CONFIRMATION*

(13) Confirmed.

or,

Confirmed. I direct that the sentence of imprisonment* shall be carried out by confinement in air force custody [or in air force (military) (civil) prison].%

or,

I vary the sentence so that it shall be as follows and confirm the finding and the sentence as so varied.

or,

I confirm the finding and sentence of the Court, but mitigate [remit, or, commute].....

or,

I confirm the finding of the Court on the

*While confirming a sentence of imprisonment to be suffered in civil prison, the confirming authority is separately to recommend whether the prisoner should be classified as division/class A (or I), B (or II), or C (or III) prisoner, or in civil prisons where there are only two divisions or classifications, he should be classified as Division/Class A (or I) or B (or II) prisoner.

% See Section 166, Air Force Act, 1950.

and charges and reserve for confirmation by superior authority the finding on the and charges, and the sentence;

or,

I confirm the finding of the Court, but reserve the sentence for confirmation by superior authority;

or,

I confirm the findings of the Court, and the sentence of the Court as to and reserve the sentence so far as it for confirmation by superior authority;

or,

[Where the finding is not confirmed.]

Not confirmed [the reasons for non-confirmation may be stated.]
signed at, this day of 19

(Signature of confirming Authority)

[Instruction—Any remarks of the confirming authority should be separate from and form no part of the proceedings.]

Section III—Forms as to Summary General Court-Martial

FORM—F 3

Form for Assembly and Proceedings of a Summary General Court-Martial under the Air Force Act, 1950

A—Order convening the Court

At (place) this day of 19

*(1) Beginning of Form in cases falling under clause (a) of section 113 of the Air Force Act, 1950.

Whereas it appears to me.....an officer empowered in this behalf by an order of the Central Government/Chief of the Air Staff** that the person/persons** named in the Appendix and being subject to Air Force Law, has/have** committed the offence/offences** in the said schedule mentioned;

*(2) Beginning of Form in cases falling under clause (b) of section 113 of the Air Force Act, 1950.

Whereas it appears to me.....the/an** officer commanding the forces in the field/empowered in this behalf by the officer commanding the forces in the field** on active service that the person/persons** named in the Appendix, and being subject to Air Force Law, has/have** committed the offence/offences** mentioned in the said Appendix.

*(3) Beginning of Form in cases falling under clause (c) of section 113 of the Air Force Act 1950.

Whereas it appears to me.....an officer now in command of being a detached portion of the Air Force upon active service that the person/persons** named in the Appendix and being subject to Air Force Law, has/have** committed the offence/offences** mentioned in the said Appendix; and whereas I am of opinion that it is not practicable with due regard to discipline and the exigencies of the service that the said offence/offences** should be tried by an ordinary general court-martial;

(4) End of form applicable to all cases.

I hereby convene a summary general court-martial to try the said person/persons** and to consist of

*Only one of these will be used, the two which are inapplicable being struck out.

**Strike out whichever is not required.

Ranks, names and units of members

[Here enter the special order (if any) under rule 139]

(Signature of Convening Officer)

B—Certificate of Presiding Officer as to proceedings

I certify that the above Court assembled on the.....day of.....19 , and duly tried the person/persons* named in the said schedule, and that the plea, finding and sentence in the case of such/each* such persons were as stated in the third and fourth columns of the said Appendix.

I further certify that the members of the Court, the witnesses (where so required by the Air Force Act, 1950) and the interpreter were duly sworn or affirmed.

Signed at (place) this day of 19

(Signature of Presiding Officer)

C—Confirmation

I have dealt with the finding/findings* and sentence/sentences* in the manner stated in the last column of the said Appendix and, subject to what I have there stated, I hereby confirm the above finding/findings* and sentence/sentences*.

Signed at (place) this day of 19

(Signature of Confirming Officer)

APPENDIX

Date.....19

Name of alleged offender**	Offence charged	Plea	Finding, and if convicted, sentence†	How dealt with by confirming Officer‡
1	2	3	4	5
Ram Bux (Bannia)	Theft of Government property.	Guilty	Guilty. Rigorous imprisonment for.....	Confirmed. I remit E F
201202 AC1 Jhanda Singh, Squadron.	On active Service, breaking into house for plunder.	Not Guilty	Guilty. Field Punishment, No. I, for two months.	Confirmed. E..... F.....
212564 LAC Hussein Khan, Squadron	Being a sentry, sleeping on post in time of war.	Not Guilty.	Guilty. Death by being shot to death, Recommended to mercy.	Confirmed. but commuted to field punishment No. I. for..... three months. E..... F.....
Person accompanying force (name unknown) white jacket and trousers, scar on right cheek.	Impeding Provost marshal.	Not Guilty	Not Guilty	Confirmed E..... F.....

*Strike out whatever is not required.

**If the name of the person charged is unknown, he may be described as unknown with such addition as will identify him.

†Recommendation to mercy to be inserted in this column.

‡Signature of Confirming Officer.

I	2	3	4	5
Airman in uniform of Air Force (name unknown).	Civil offence Rape	Not Guilty	Gilty. Imprisonment for life.	Confirmed E..... F.....
A	C		X.....	
B	D		Y.....	
Convening Officer.	Presiding Officer		Judge Advocate (if any)	

NOTE.—Record of evidence as required *vide* rule 139) will be made separately, signed by the Presiding Officer and Judge-Advocate, if any, and shall be attached to the Appendix.

SEVENTH SCHEDULE

[See rules 144, 145, 147(1), 149(1) and 150(1), 151]

FORMS OF WARRANTS

FORM G.1

Warrant for use when prisoner sentenced to detention is to be delivered into the custody of an officer in charge of a military or air force detention barrack (Air Force Act, 1950 Section 170).

To the Officer in charge

of the Military/Air Force Detention Barrack at (a)

Whereas (number, Rank, Name, Unit).....was on the..... day of 19...., convicted of the offence to be briefly state) by his commanding Officer/a(b).....Court-Martial and was sentenced to undergo detention for (sentence to be entered in full but without signature)

And whereas the said sentence has been duly confirmed by (c) as required by law (d).....

This is to require and authorise you to receive (Name).....into your custody together with this warrant, and there carry the aforesaid sentence of detention into execution according to law. The sentence has effect from the (e)....

Given under my hand at this the day of 19

Unit stamp

Signature (f)

(a) Enter place.

(b) General, District or Summary General.

(c) Enter name and description of confirming authority or in the case of an award by Commanding Officer delete this portion.

(d) Add, if necessary, "with a remission of ..".

(e) Enter date on which the original sentence was signed.

(f) Signature of Commanding Officer of prisoner or other prescribed officer—
See rule 144.

FORM G.2

Warrant of commitment for use when a prisoner is sentenced to imprisonment which is to be undergone in a military or Air Force prison (Air Force Act, 1950, section 166)

To: The Commandant of the Military/Air Force Prison at (a).....

Whereas at a (b).....Court-Martial held at.....on the day of.....19.. (Number, Rank, Name).....of.....(Unit) was duly convicted of.....(the offence is to be briefly stated here as "desertion," "theft", "receiving stolen goods", "disobedience of lawful command" or as the case may be).

And whereas the said (b).....Court-Martial on the.....day of.....19..; passed the following sentence upon the said (Name).....that is to say,

(Sentence to be entered in full, but without signature).

And whereas the said sentence has been duly confirmed by (c).....as required by law (d).....

This is to require and authorise you to receive the said (Name).....into your custody together with this warrant and there carry the aforesaid sentence of rigorous/simple imprisonment into execution according to law. The sentence has effect from (e).....

Given under my hand at.....this the.....day of.....19..

Unit Stamp

Signature (f)

-
- (a) Enter name of military or air force prison.
 - (b) General, District or Summary General.
 - (c) Name and description of confirming authority.
 - (d) Add, if necessary, "with a remission of ..".
 - (e) Enter date upon which original sentence was signed.
 - (f) Signature of Commanding Officer of prisoner or other prescribed officer—
See Rule 144.

FORM G.3

Warrant of commitment for use when a prisoner is sentenced to rigorous or simple imprisonment which is to be undergone in civil prison (Air Force Act, 1950, section 166).

To the Superintendent

of the (a).....Prison

Whereas at a(b).....Court-Martial held at.....on the.....day of.....19.. (Number, Rank, Name).....of the.....Unit was duly convicted of (the offence to be briefly stated here, as "desertion", "theft", "receiving stolen goods", "forgery", "disobedience of lawful command" or as the case may be).

And whereas the said (b).....Court-Martial, on the.....day of.....19.. passed the following sentence upon the said (Name);.....that is to say—

(Sentence to be entered in full, but without signature)

And whereas the said sentence has been duly confirmed by (c).....as required by law (d)

This is to require and authorise you to receive the said (Name)..... into your custody together with this warrant, and there carry the aforesaid sentence Rigorous/Simple imprisonment into execution according to law. The sentence has effected from the (e)

The confirming authority has recommended that while undergoing imprisonment in the civil prison the prisoner be placed in division/class A(or I)/B(or II)/C(or III)* and if there are only two divisions/classifications in the civil prison, he be placed in division/class A(or I)/B(or II)*.

Given under my hand at.....this the.....day of.....19..

Unit Stamp

Signature (f)

- (a) Enter name of prison.
- (b) General, District, or Summary General.
- (c) Name and description of confirming authority.
- (d) Add if necessary "with a remission of"
- (e) Enter date on which the original sentence was signed.
- (f) Signature of Commanding Officer of prisoner or other prescribed officer—
See rule 144.

FORM G.4

Warrant of commitment for use when a prisoner is sentenced to

Imprisonment for life (Air Force Act, 1950, Section 165)

To the Superintendent

of the (a).....Prison.

Whereas at a (b).....Court-Martial, held at..... on the.....day of....., 19..... (Number, Rank, Name)..... of the.....Unit was convicted of (the offence to be briefly stated here, as "treacherously corresponding with the enemy", "mutiny", "desertion on active service", or as the case may be).

And whereas the said (b).....Court-Martial on the..... day of....., 19.....passed the following sentence upon the said (Name); that is to say:—

(Sentence to be entered in full, but without signature)

And whereas the said sentence has been duly confirmed by (c)..... as required by law (d)

This is to require and authorise you to receive the said (Name) into your custody in the said prison as by law is required, together with this warrant, until he shall be delivered over by you with the said warrant to the proper authority and custody for the purpose of undergoing the aforesaid sentence of imprisonment for life. The aforesaid sentence has effect from the (e).....

The confirming authority has recommended that while undergoing imprisonment in the civil prison, the prisoner be placed in division/class A (or I)/B (or II)/C (or III)*; and if there are only two divisions/classifications in the civil prison, he be placed in division/class A(or I)/B(or II)*.

Given under my hand at this day of 19
Unit Stamp

Signature (f)

- (a) Enter name of prison.
- (b) General or Summary General.
- (c) Name and description of confirming authority.
- (d) Add if necessary "with a remission of"
- (e) Enter date on which the original sentence was signed.
- (f) Signature of Commanding Officer of prisoner or other prescribed officer—
See Rule 144.

*Strike out whichever is inapplicable.

FORM G. 5

Warrant for committing a person sentenced to death by a court-martial to the custody of an air force, military or civil prison or air force or military detention barrack pending confirmation or the carrying out of the sentence, (rule 147 of the Air Force Rules, 1968).

To

The Superintendent/Commandant

(a)

Whereas at a (b)..... court-martial held at (c)..... on the..... day of..... 19..... (Number)..... (Rank)..... (Name)..... of the (Unit)..... was convicted of the following offence (s), that is to say (d).....

And whereas the said (b)..... court-martial, on the..... day of..... 19..... passed sentence of death on the said (name).....

This is to require and authorise you to receive and hold the said (name)..... into your custody in the (a)..... as by law is required, together with this warrant, until such time as a further warrant in respect of the said (name)..... shall be issued to you.

Given under my hand at..... this the..... day of..... 19.....

Unit Stamp

Signature (e)

(a) Enter name of prison or detention barrack.

(b) Enter "General" or "Summary General."

(c) Enter the name of place where trial was held.

(d) Here briefly set out the offences and the relevant sections of the Air Force Act, 1950

(e) Signature of the commanding officer.

FORM G. 6

Warrant to obtain person sentenced to death from air force, military or civil prison or air force or military detention barrack to carry out such sentence (Air Force Rule 150).

To

The Superintendent/Commandant.

(a)

Whereas No..... (Rank)..... (Name)..... of the (unit)..... was by a (b)..... court-martial held at (place)..... on the..... date of..... 19..... was convicted of the offence (s) of (c)..... and by a sentence passed on the..... day of..... 19..... sentenced to suffer death;

And whereas the said sentence having been duly confirmed by (d)..... as by law required, a warrant to carry out the said sentence has been issued to me;

And whereas the aforesaid person under sentence is held in your custody in the said (a)..... under a warrant issued by (e).....

This is to require and authorise you to deliver forthwith the said (name)..... to the officer/warrant officer/non-commissioned officer bringing this warrant.

Given under my hand at..... this
.....day of.....19 .

(Unit Stamp)

(Signature) (f)

(a) Enter name of the prison or detention barrack.

(b) Enter "General" or "Summary General".

(c) Here briefly set out the offences and the relevant section of the Air Force Act, 1950.

(d) Name and designation of confirming authority.

(e) Enter name and designation of officer who signed original warrant.

(f) Signature, name and designation of the provost-marshal or other officer nominated in the death warrant for carrying out the sentence of death.

FORM G. 7

Death Warrant (rule 149)

PART I

To

(a)

Whereas (number) Rank.....
(Name) of
(Unit)
was by a (b)
court-martial held at (Place)
convicted of the offence (s) of (c)
.....
and by a sentence passed on the day
of19..... sentenced to suffer death
by (d).....

And whereas in accordance with the Air Force Act, 1950, the finding and sentence of the said court-martial have been confirmed and promulgated ;

And whereas I am satisfied, having regard to the provisions of rule 148 of the Air Force Rules, 1969, that the sentence of death may be carried into effect.

Now, therefore, I hereby order you to carry into effect the said sentence on the above-named (number).....
(rank) (name).....
.....(by) (e)
at hours on (day).....
the day of
19....., and for so doing this shall be sufficient warrant

When the said sentence has been carried into effect the return below shall be completed and the warrant returned to me.

Signed at this the
.....day of.....19

(Signature) (f)

Rank.....

Commanding

PART II

Return of warrant

The above sentence passed on (number)
 (rank) (name)
 was carried into effect at (g)
 hours on the day of
 19

(Signature) (a)

(Signature) (h)

PART III

Certificate of medical officer

I, (i) a commissioned
 medical officer in the Armed Forces of India, hereby certify that I have this day examined the
 body of (number)
 (rank) (name)
 upon whom sentence of death was this
 day carried into effect at (g)
 and that on examination I found that the said person was dead.

Signed at this the
 day of 19

(Signature) (i)

(Rank and Unit)

Commissioned medical officer of the Armed
 Forces of India.

-
- (a) Enter the rank, name and designation of the Provost-marshal or other officer responsible for carrying the sentence of death into effect.
 (b) Insert "General" or "Summary General".
 (c) Here briefly set out the offences and the relevant sections of the Air Force Act, 1950
 (d) Insert "being shot to death" or "being hanged by the neck until he be dead".
 (e) Insert "shooting" or "hanging".
 (f) Signature of the officer issuing the warrant under rule 149 of the Air Force Rules, 1969.
 (g) Insert the name and address of the prison or establishment or description of the place where the sentence of death was carried into effect.
 (h) Signature of the officer nominated under rule 150 (2) (c) of the Air Force Rules, 1969.
 (i) Rank, name, number and unit of the commissioned medical officer.

FORM G. 8

Warrant for use when prisoner under a sentence other than of death is to be delivered into military or air force custody (Air Force Act 1950, section 171).

To the Superintendent/Commandant Prison
 of the (a)

Whereas (Number, Rank, Name) (late
 of the
 Unit is confined in the (a) prison
 under a warrant issued by (b)
 in pursuance of a sentence of (c)
 passed upon him by a (d) Court-Martial

held at on; and whereas
(e) has in the exercise of the powers conferred upon him
by the Air Force Act, 1950, passed the following order regarding the aforesaid sentence, that
is to say—

(f).....
.....
.....

This is to require and authorise you to forthwith deliver the said (Name).....
to the officer or non-commissioned officer bringing this warrant.

Given under my hand at this the day of 19 ..

Unit stamp

Signature(g)

- (a) Enter name of civil, military or air force prison.
- (b) Enter name or designation of officer who signed original warrant.
- (c) Enter original sentence (if this was reduced by the Confirming Officer or other superior authority the sentence should be entered thus—
 ("2 years' rigorous imprisonment reduced by Confirming Officer to 1 year").
- (d) General, District or Summary General.
- (e) Name and designation of authority issuing order.
- (f) Order to be set out in full.
- (g) Signature of prescribed officer—See rule 145.

FORM G. 9

Warrant for use when a prisoner under sentence other than of death is pardoned or his trial set aside, or when the whole sentence, or the unexpired portion thereof, is remitted (Air Force Act, 1950 section 171).

To the Superintendent/Commandant

..... of the (a)..... Prison.

Whereas (Number, Rank, Name)..... (late) of
the Unit is confined in the
(a) prison under a warrant
issued by (b)..... in
pursuance of a sentence of (c).....
passed upon him by a (d).....
Court-Martial held at on;
and whereas (e)..... has, in the
exercise of the powers conferred upon him by the Air Force Act, 1950 passed the following
order regarding the aforesaid sentence, that is to say—

(f).....
.....
.....

This is to require and authorise you to forthwith discharge the said (Name).....
from your custody unless he is liable to be detained for some other caused ; and for your so dis-
charging him this shall be your sufficient warrant.

Given under my hand at this the day of 19 ..

Unit Stamp

Signature (g)

- (a) Enter name of civil, military or air force prison.
- (b) Enter name or designation of officer who signed original warrant.
- (c) Enter original sentence (if this was reduced by the Confirming Officer or other superior authority the sentence should be entered thus—
 ("2 years' rigorous imprisonment reduced by Confirming Officer to 1 year").
- (d) General, District or Summary General.
- (e) Name and designation of authority pardoning prisoner, mitigating sen-
 tence or setting aside trial.
- (f) Order to be set out in full.
- (g) Signature of prescribed officer—See rule 145.

FORM G. 10

Warrant for use when a sentence of rigorous or simple imprisonment is reduced by superior authority or when one of imprisonment for life is commuted to one of rigorous or simple imprisonment (Air Force Act, 1950 section 171).

To the Superintendent/Commandant

of the (a).....Prison.

Whereas (Number, Rank, Name).....(lat c)
of theUnit is confined
in the (a).....prison under a
warrant issued by (b).....in pursuance of a sentence of
(c).....
passed upon him by a (d).....Court-Martial held at
.....on; and whereas
(e).....has, in the exercise of the
powers conferred upon him by the Air Force Act, 1950, passed the following order regarding
the aforesaid sentence, that is to say—
(f).....
.....
.....

This is to require and authorise you to keep the said (Name).....
in your custody together with this warrant and there to carry into execution the punishment of
Rigorous/Simple imprisonment under the said order according to law. And this is further to
require and authorise you to return to me the original warrant of commitment in lieu whereof
this warrant is issued. The period of such rigorous/simple imprisonment will reckon from the
(g).....

Given under my hand at this the.....
of.....19.....

Unit Stamp.

Signature (h).

-
- (a) Enter name of civil, military or air force.
(b) Enter name or designation of officer who signed original warrant.
(c) Enter original sentence (if this was reduced by the Confirming Officer or other superior authority the sentence should be entered thus—
("2 year's rigorous imprisonment reduced by Confirming Officer to 1 year").
(d) General, District or Summary General.
(e) Name and designation of authority reducing/commuting sentence.
(f) Order to be set out in full.
(g) Enter date on which original sentence was signed.
(h) Signature of prescribed officer—See rule 145.

FORM G. 11

Warrant to obtain into air force custody person sentenced to death from air force, military or civil prison or air force or military detention barrack for a purpose other than carrying out the sentence of death (rule 151 of the Air Force Rules, 1968).

To

The Superintendent/Commandant

(a)

Whereas (number) (rank)
 (name) of the (unit)
 having been convicted by a (b)
 court-martial held at (place)
 on the day of 19
 of the offence(s) of (c)

.....

and sentenced by the said court-martial to suffer death is held in your custody in the said
 (d) under a
 warrant issued by (d)

And whereas (e) has in exercise
 of the powers conferred upon him by the Air Force Act, 1950 passed the following order regarding
 the aforesaid sentence, that is to say—

(f)

This is to require and authorise you to forthwith deliver the said (f)
 to the officer/warrant officer or non-commissioned officer bringing this warrant.

Given under my hand at this the
 day of 19

Unit Stamp

(Signature) (g)

(a) Enter name of the prison or detention barrack.

(b) Enter "General" or "Summary General".

(c) Here briefly set out the offences and the relevant sections of the Air Force Act, 1950.

(d) Enter name or designation of officer who signed original warrant.

(e) Name and designation of the authority issuing order.

(f) Order to be set out in full.

(g) Signature of Commanding Officer.

FORM G. 12.

Warrant for use when a person sentenced to death is pardoned or his trial is set aside, or when the sentence of death is not confirmed or is remitted (rule 151 of the Air Force Rules, 1968).

To

The Superintendent/Commandant

(a)

Whereas (number)..... (rank)
(name)..... of the (unit)
(b)..... having been convicted by a
..... court-martial held at (place)
..... on the day of

..... 19....., of the offence (a) of (c).....

and sentenced by the said court-martial to suffer death is held in your custody in the said
(a)..... under a warrant issued by
(d).....

And whereas (e)..... has
in exercise of the powers conferred upon him by (f).....
..... passed the following order that is to say :—

(g)

This is to require and authorise you to forthwith discharge the said (name).....
from your custody unless he is liable to be detained for some other cause ; and for your so
discharging him this shall be your sufficient warrant.

Given under my hand at.....
this the..... day of..... 19.....

Unit Stamp

(Signature) (h)

(a) Enter name of the prison or detention barrack.

(b) Enter "General" or "Summary General".

(c) Here briefly set out the offences and the relevant sections of the Air Force Act, 1950

(d) Enter name and designation of officer who signed original warrant.

(e) Enter name or designation of the confirming authority or the authority pardoning
or remitting the sentence of death, or setting aside the trial.

(f) Enter the section and the Act, or the article of the Constitution under which the order
has been passed.

(g) Order to be set out in full.

(h) Signature, rank, name and designation of the Commanding Officer.

FORM G. 13

Warrant for use when sentence of death is commuted to imprisonment (including life imprisonment) or the sentence of death or imprisonment (including life imprisonment) is commuted to detention, to be served at the same place (Air Force Act, 1950, section 171).

To

The Superintendent/Commandant

(a)
Whereas (number) (rank)
name) of the (Unit)
having been convicted by a (b)
court-martial held at (place)
on the day of 19....., of the
offence(s) of (c)
and sentenced by the court-martial to (d)
is held in your custody in the said (a)
under a warrant issued by (e)

And whereas (f)
has, in exercise of powers conferred upon him by the Air Force Act, 1950 passed the following
order regarding the aforesaid sentence, that is to say (g)

This is to require and authorise you to keep the said (name)
in your custody together with this warrant, and there to carry into execution the punishment
of (h)
under the said order according to law. And this is further to require and authorise you to return
to me the original warrant of commitment in lieu whereof this warrant is issued. The period
of such (i)
will reckon from the (j) day of
....., 19.....

Given under my hand at this the
..... day of 19.....

Unit Stamp

Signature (k)

- (a) enter name of the prison or detention barrack.
(b) enter "General" "District" or "Summary general".
(c) here briefly set out the offences and the relevant sections of the Air Force Act, 1950.
(d) Enter original sentence e.g. death, life imprisonment, rigorous/simple imprisonment for 2 years etc., (if the original sentence of imprisonment was reduced by the confirming or other superior authority, the sentence should be entered thus "2 years' rigorous imprisonment reduced by the confirming officers to 1 year".
(e) Enter name or designation of officer who signed original warrant.
(f) Enter name and designation of the authority commuting the sentence.
(g) Order to be set out in full.
(h) Enter "imprisonment for life", "rigorous/simple imprisonment for
or "detention for " as the case may be.
(i) Enter "life imprisonment", "imprisonment" or "detention" as the case may be.
(j) Enter date on which original sentence was signed.
(k) Signature of Commanding Officer or prescribed officer (See rules 145 and 151 of the Air Force Rules 1969.)

FORM G. 14

Warrant for use when sentence of death is commuted to imprisonment (including life imprisonment) or the sentence of death or imprisonment (including life imprisonment) is commuted to detention to be served at a different place (Air Force Act, 1950, section 171).

To

The Superintendent/Commandant

(a)

Whereas (number)..... (rank).....
 name)..... of the (unit)
 having been convicted by a (b)..... court-martial
 held at (place)..... on the
 day of 19....., of the offence(s) of (c).....

and sentenced by the said court-martial to (d).....
 is held in your custody in the said (a).....
 under a warrant issued by (e).....

And whereas (f)..... has, in exercise of
 the powers conferred upon him by the Air Force Act, 1950 passed the following order regarding
 the aforesaid sentence, that is to say (g).....
 This is to require and authorises you to keep the said (name).....
 in your custody together with this warrant in the said (a)..... as by
 law is required until he shall be delivered over by you with the said warrant to the proper authority
 and custody for the purpose of undergoing the punishment of (h).....
 under the said order. And this is further to require and authorise you to return to me the original
 Warrant of Commitment in lieu whereof this warrant is issued. The period of such (i).....
 will reckon from the
 (j)..... day of 19.....

Given under my hand at this the
 day of 19.....

Unit Stamp

Signature(k)

- (a) Enter name of the prison or detention barrack.
- (b) Enter "General", "District" or "Summary General".
- (c) Here briefly set out the offences and the relevant sections of the Air Force Act, 1950
- (d) Enter original sentence e.g. death, life imprisonment, rigorous/simple imprisonment for 2 years etc., (if the original sentence of imprisonment was reduced by the confirming or other superior authority, the sentence should be entered thus—
 "2 years' rigorous imprisonment reduced by the confirming officer to 1 year".
- (e) Enter name or designation of officer who signed original warrant.
- (f) Enter name and designation of the authority commuting the sentence.
- (g) Order to be set out in full.
- (h) Enter "imprisonment for life", or "rigorous/simple imprisonment for....." or "detention for.....", as the case may be.
- (i) Enter "life imprisonment", "imprisonment" or "detention", as the case may be.
- (j) Enter date on which original sentence was signed.
- (k) Signature of Commanding Officer or prescribed officer. (See Rules 145 and 151).

KULWANT SINGH, Dy. Secy.